

Date..... October 24, 2022.....

SET HEARING FOR APPROVAL OF DOCUMENTS FOR THE VACATION OF ALLEY RIGHT-OF-WAY LOCATED AT 601 E. UNIVERSITY AVENUE WITHIN BURKE PARK.

WHEREAS, The City of Des Moines Parks and Recreation Department has requested the vacation of the east-west and north-south alley right-of-way located at 601 E. University of Avenue within Burke Park, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, which request was not presented to the City’s Plan and Zoning Commission for review and has instead been determined by the City Traffic Engineer to have no significant impact upon the public use of the right-of-way, in accordance with Municipal Code 102-286(b); and

WHEREAS, there is no known current or future public need or benefit for the right-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said right-of-way, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the east-west and north-south alley right-of-way located at 601 E. Avenue within Burke Park within Burke Park, legally described as follows, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated:

A PART OF ALLEY RIGHT OF WAY IN JAMES HALL’S SECOND SUBDIVISION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 7 IN SAID JAMES HALL’S SECOND SUBDIVISION,

AND

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY ADJOINING THE WEST LINE OF SAID JAMES HALL’S SECOND SUBDIVISION AND LYING SOUTH OF THE NORTH LINE OF SAID JAMES HALL’S SECOND SUBDIVISION AND LYING NORTH OF THE VACATED FILMORE RIGHT OF WAY (VACATED BY ORDINANCE 6391),

AND CONTAINING APPROXIMATELY 0.05 ACRES (2,286 SQUARE FEET).

2. That the meeting of the City Council at which the adoption of said ordinance is to be considered shall be on November 7, 2022, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

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Please check the posted agenda in advance of the November 7, 2022 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | | | | |
| BOESEN | | | | |
| GATTO | | | | |
| MANDELBAUM | | | | |
| SHEUMAKER | | | | |
| VOSS | | | | |
| WESTERGAARD | | | | |
| TOTAL | | | | |
| MOTION CARRIED | | | APPROVED | |

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| | CERTIFICATE |
| | I, Laura Baumgartner, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted. |
| | IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written. |
| | _____ Laura Baumgartner, City Clerk |

Mayor

PROPERTY LOCATION

