

★ Roll Call Number
09-209

✓
Agenda Item Number

42

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Date February 9, 2009

**APPROVAL OF VACATION OF 13TH STREET FROM KEOSAUQUA WAY
TO SCHOOL STREET (EXCEPT THE NORTH 26 FEET) AND
THE NORTH/SOUTH ALLEY WEST OF 13TH STREET, FROM SCHOOL STREET TO
KEOSAUQUA WAY (EXCEPT THE NORTH 26 FEET)**

WHEREAS, on December 22, 2008, by Roll Call No. 08-2219, the City Council referred to the Plan and Zoning Commission the vacation of former 13th Street and alley right-of-way located off of Keosauqua Way south of I-235; and

WHEREAS, on January 26, 2009, by Roll Call No. 09-088, the City Council received a recommendation from the City Plan and Zoning Commission that 13th Street right-of-way from Keosauqua Way to School Street (except the north 26 feet) and the North/South alley west of 13th Street, from School Street to Keosauqua Way (except the north 26 feet), hereinafter more fully described ("City right-of-way"), be vacated; and

WHEREAS, on January 26, 2009, by Roll Call No. 09-087 it was duly resolved by the City Council that the proposed vacation of the City right-of-way be set down for hearing on February 9, 2009, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate the City right-of-way by real estate contract was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation of the City right-of-way, as described below, are hereby overruled and the hearing is closed.
2. There is no current or anticipated City need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of a 13th Street right-of-way from Keosauqua Way to School Street (except the north 26 feet) and the North/South alley right-of-way west of 13th Street, from School Street to Keosauqua Way (except the north 26 feet), more specifically described as follows:

John
ALL THAT PART OF 13TH STREET RIGHT-OF-WAY, AS IT NOW EXISTS, LYING WEST OF AND ADJOINING LOTS 11, 12, 13 AND 14, JONES SUBDIVISION, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING THE SOUTH 26.0 FEET OF LOT 10, OF SAID JONES SUBDIVISION.

AND

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ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY, AS IT NOW EXISTS, LYING WEST OF AND ADJOINING THE SOUTH 26.0 FEET OF LOT 1, JONES SUBDIVISION, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING LOT 82, KEOSAUQUA WAY PLAT 3, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING THE NORTH 8.0 FEET OF LOT 81, OF SAID KEOSAUQUA WAY PLAT 3, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

DESCRIPTION REVIEWED
Glenna K. Frank
 2/11/09 11:02

Upon final passage of an ordinance vacating the City right-of-way, the City Clerk is authorized and directed to forward a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded, and the Real Estate Division Manager is authorized and directed to forward the said documents to the Polk County Recorder for recording.

(Council Communication No. 09-067)

Moved by *Hensley* to adopt, with a referral to the Plan and Zoning Commission to review the details of the site plan regarding the following items: screening, buffering, landscaping, trash, utilities, parking access, traffic flow, pedestrian access and building materials.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

RFW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE		✓		
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS		✓		
TOTAL	5	2		

CERTIFICATE

I, DIANE RAUH, 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.

T. M. Franklin Mayor

Diane Rauh City Clerk