

★ Roll Call Number  
10-1684

Agenda Item Number  
41

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Date October 11, 2010

**HOLD HEARING FOR VACATION OF A DEAD END SEGMENT OF MERCED DRIVE AND A DEAD END SEGMENT OF 30<sup>TH</sup> STREET RUNNING SOUTH OF MERCED DRIVE**

**WHEREAS**, on September 13, 2010, by Roll Call No. 10-1451, the City Council received a recommendation from the City Plan and Zoning Commission that a dead end segment of Merced Drive and a dead end segment of 30<sup>th</sup> Street running south of Merced Drive, hereinafter more fully described, be vacated subject to reservation of easements for all utilities in place and reservation of a public access easement within the vacated portion of Merced Drive to allow for any future access to the adjoining Woodlawn Park to the west at such time as it may be developed, and for access to underground utilities; and

**WHEREAS**, on September 27, 2010, by Roll Call No. 10-1544, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on October 11, 2010, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate public right-of-way 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 public right-of-way, as described below, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation, subject to the easement reservations described above, of a dead end segment of Merced Drive and a dead end segment of 30<sup>th</sup> Street running south of Merced Drive, more specifically described as follows:

The west 64.00 feet of Street Lot D (Merced Drive) and all of Street Lot E (30<sup>th</sup> Street), Sawyer's Landing, Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. Upon final passage of an ordinance vacating the said 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 notice of this hearing to the Polk County Recorder's Office for the purpose of causing said documents to be recorded.

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Moved by Griess to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

*REV*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Mayor

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.

Diane Rauh City Clerk