Agenda Item Number



Roll Call Number

Date December 20, 2010

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 2, 2010, its members voted 11-0-1 in support of a motion to recommend **APPROVAL** of a City Council initiated request to vacate the right-of-way parcel owned by the City of Des Moines located in the vicinity of Martin Luther King, Jr. Parkway and Interstate 235 at the northwest corner of the intersection of Martin Luther King, Jr. Parkway & Atkins Street subject to the following conditions:

- 1. Reservation of adequate Right-of-Way for both Martin Luther King, Jr. Parkway and Atkins Street, including the public sidewalks along both Martin Luther King, Jr. Parkway and Atkins Street.
- 2. Provision of easements for all existing utilities until such time that they are relocated.
- 3. Provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

to receive and file and refer to the MOVED by eal Estate Division. Engineering Department

FORM APPROVED:

Michael F. Kelley Assistant City Attorney

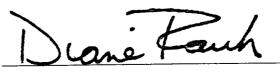
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CERTIFICATE

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.



City Clerk