

★ Roll Call Number
11-0545

Agenda Item Number
43

Page 1

Date March 28, 2011

**HOLD HEARING FOR VACATION OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY
LOCATED IN THE BLOCK SOUTH OF MULBERRY STREET AND WEST OF
VACATED 13TH STREET**

WHEREAS, the Des Moines Fire Department plans construction of a new fire station at 1330 Mulberry Street to replace the main fire station currently located at 900 Mulberry Street; and

WHEREAS, the construction of this new fire station will require vacation of the North/South alley right-of-way in the block south of Mulberry Street and west of vacated Mulberry Street; and

WHEREAS, there is no known current or future public need for the right-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said right-of-way; and

WHEREAS, on March 14, 2011, by Roll Call No. 11-0429, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on March 28, 2011, 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 for or benefit from the right-of-way proposed to be vacated and the City would not be inconvenienced by reason of the vacation of the North/South alley right-of-way located in the block south of Mulberry Street and west of vacated 13th Street, more specifically described as follows:

★ Roll Call Number
11-0545

Agenda Item Number
43

Date March 28, 2011

ALL OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOTS 1, 2 AND 10, AND LYING WEST OF AND ADJOINING THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING SAID LOT 2, ALL IN BLOCK 33, KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES, 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 the notice of this hearing to the Polk County Recorder's Office for the purpose of causing said documents to be recorded.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

aw

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