

★ Roll Call Number

12-1455

Agenda Item Number

36

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Date September 10, 2012

**HOLD HEARING FOR VACATION OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY
LYING SOUTH OF RACCOON STREET BETWEEN SOUTHEAST 18TH STREET AND
SOUTHEAST 19TH STREET**

WHEREAS, the Engineering Department of the City of Des Moines has requested vacation of the north/south alley right-of-way lying south of Raccoon Street between Southeast 18th Street and Southeast 19th Street to allow for staging of the Southeast Connector Project; and

WHEREAS, on August 13, 2012, by Roll Call No. 12-1246, the City Council of the City of Des Moines received a recommendation from the City Plan and Zoning Commission that the requested vacation of the north/south alley right-of-way lying south of Raccoon Street between Southeast 18th Street and Southeast 19th be approved, subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated; 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 August 27, 2012, by Roll Call No. 12-1343, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on September 10, 2012, 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 lying south of Raccoon Street between Southeast 18th Street and Southeast 19th Street, as more specifically described below, to allow for staging of the Southeast Connector Project, subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated, and said vacation is hereby approved:

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ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOTS 43 THRU 47, IN CHARTER OAK ADDITION, 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 Meyer to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

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