

★ Roll Call Number

12-1557

Agenda Item Number

18

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Date October 8, 2012

**SET HEARING FOR VACATION OF THE EAST/WEST AND NORTH/SOUTH ALLEYS
LOCATED IN THE BLOCK BOUNDED BY EAST 1ST STREET, EAST COURT AVENUE,
EAST 2ND STREET AND THE NORFOLK SOUTHERN RAILWAY**

WHEREAS, the Engineering Department of the City of Des Moines has requested vacation of the east/west and north/south alleys located in the block bounded by East 1st Street, East Court Avenue, East 2nd Street and the Norfolk Southern Railway to allow for an expansion project for the Police Department Evidence Storage Facility located at 25 East 1st Street; and

WHEREAS, on September 24, 2012, by Roll Call No. 12-1496, 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 east/west and north/south alleys located in the block bounded by East 1st Street, East Court Avenue, East 2nd Street and the Norfolk Southern Railway 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 anticipated public need or benefit for the right-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said right-of-way.

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

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating the east/west and north/south alleys located in the block bounded by East 1st Street, East Court Avenue, East 2nd Street and the Norfolk Southern Railway to allow for an expansion project for the Police Department Evidence Storage Facility located at 25 East 1st Street, more specifically described as follows:

ALL THAT PART OF EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOT 13 IN BLOCK D OF SCOTT AND DEAN'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.

AND

ALL THAT PART OF NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING BETWEEN THE SOUTHWESTERLY EXTENSION OF THE NORTH LINE OF LOT 16 AND THE SOUTHWESTERLY EXTENSION OF THE SOUTH LINE OF LOT 13, ALL IN BLOCK D OF SCOTT AND DEAN'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

2. That the meeting of the City Council at which the adoption of said ordinance is to be considered shall be on October 22, 2012, said meeting to be held at 5:00 p.m., in the Council Chamber.

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3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

PSW

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

T. M. Franklin Council 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