

★ Roll Call Number

12-1614

Agenda Item Number

16A

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Date October 22, 2012

SET HEARING FOR VACATION OF VARIOUS STREET AND ALLEY RIGHTS-OF-WAY FOR THE SOUTHEAST CONNECTOR PROJECT

WHEREAS, the Engineering Department of the City of Des Moines has requested vacation of the following City-owned right-of-way for the Southeast Connector Project: a portion of the north/south alley between SE 14th Street and SE 14th Court, south of East Market Street; a portion of SE 14th Court south of East Market Street and north of Scott Avenue; a portion of the north/south alley between SE 14th Court and SE 15th Street, south of East Market Street; and a portion of SE 15th Street south of East Market and north of vacated Raccoon Street; and

WHEREAS, on October 22, 2012, by Roll Call No. 12-1613, the City Council of the City of Des Moines received a recommendation from the City Plan and Zoning Commission that the requested vacation of such street and alley rights-of-way 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 rights-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said rights-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 following City-owned right-of-way for the Southeast Connector Project: a portion of the north/south alley between SE 14th Street and SE 14th Court, south of East Market Street; a portion of SE 14th Court south of East Market Street and north of Scott Avenue; a portion of the north/south alley between SE 14th Court and SE 15th Street, south of East Market Street; and a portion of SE 15th Street south of East Market and north of vacated Raccoon Street, all more specifically described as follows:

LEGAL DESCRIPTION TRACT 1:

A PORTION OF THE NORTH/SOUTH ALLEY ADJOINING LOTS 24 AND 25, BENNETT PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 24; THENCE NORTH 89°(DEGREES) 46'(MINUTES) 39"(SECONDS) WEST, 14.00 FEET TO THE WEST LINE OF SAID NORTH/SOUTH ALLEY; THENCE NORTH 00°10'02" WEST, 20.28 FEET ON SAID WEST LINE; THENCE NORTHEAST 15.64 FEET ON A 453.34 FOOT RADIUS CURVE TO THE LEFT, WITH A CHORD LENGTH OF 15.64 FEET AND BEARS NORTH 63°23'02" EAST TO THE EAST LINE OF SAID ALLEY; THENCE SOUTH 00°10'02" EAST, 27.34 FEET ON SAID EAST LINE TO THE POINT OF BEGINNING, CONTAINING LESS THAN 0.01 ACRES (333 SQUARE FEET) MORE OR LESS.

LEGAL DESCRIPTION TRACT 2:

A PORTION OF SOUTHEAST 14TH COURT ADJOINING LOTS 11, 12, 22, AND 23, BENNETT PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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REFERRING TO THE SOUTHEAST CORNER OF LOT 8 OF SAID BENNETT PLACE; THENCE NORTH 89°(DEGREES) 46'(MINUTES) 39"(SECONDS) WEST, 286.52 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 14TH COURT; THENCE NORTH 00°05'26" WEST, 83.97 FEET ON SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE SOUTH 57°58'31" WEST, 58.92 FEET TO THE WEST RIGHT OF WAY LINE OF SAID SOUTHEAST 14TH COURT; THENCE NORTH 00°05'26" WEST, 58.92 FEET ON SAID WEST RIGHT OF WAY LINE; THENCE NORTH 57°58'31" EAST, 58.92 FEET TO THE EAST RIGHT OF WAY LINE OF SAID SOUTHEAST 14TH COURT; THENCE SOUTH 00°05'26" EAST, 58.92 FEET ON SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES (2,946 SQUARE FEET) MORE OR LESS.

LEGAL DESCRIPTION TRACT 3:

A PORTION OF THE NORTH/SOUTH ALLEY ADJOINING LOTS 3, 4, 13, AND 14, BENNETT PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF LOT 8 OF SAID BENNETT PLACE; THENCE NORTH 89°(DEGREES) 46'(MINUTES) 39"(SECONDS) WEST, 136.26 FEET TO THE EAST RIGHT OF WAY LINE OF SAID NORTH/SOUTH ALLEY; THENCE NORTH 00°00'48" WEST, 178.59 FEET ON SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE SOUTH 57°58'31" WEST, 16.51 FEET TO THE WEST RIGHT OF WAY LINE OF SAID NORTH/SOUTH ALLEY; THENCE NORTH 00°00'48" WEST, 58.97 FEET ON SAID WEST RIGHT OF WAY LINE; THENCE NORTH 57°58'31" EAST, 16.51 FEET TO THE EAST RIGHT OF WAY LINE OF SAID NORTH/SOUTH ALLEY; THENCE SOUTH 00°00'48" EAST, 58.97 FEET ON SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING, CONTAINING 0.02 ACRES (826 SQUARE FEET) MORE OR LESS.

LEGAL DESCRIPTION TRACT 4:

A PORTION OF SOUTHEAST 15TH STREET ADJOINING LOTS 1 AND 2, BENNETT PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF LOT 8 OF SAID BENNETT PLACE; THENCE NORTH 00°(DEGREES) 03'(MINUTES) 46"(SECONDS) EAST, 264.55 FEET ON THE WEST RIGHT OF WAY LINE OF SAID SOUTHEAST 15TH STREET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°03'46" EAST, 59.02 FEET ON SAID WEST RIGHT OF WAY LINE; THENCE NORTH 57°58'31" EAST, 94.42 FEET TO THE EAST RIGHT OF WAY LINE OF SAID SOUTHEAST 15TH STREET; THENCE SOUTH 00°03'46" WEST, 59.02 FEET ON SAID EAST RIGHT OF WAY LINE; THENCE SOUTH 57°58'31" WEST, 94.42 FEET TO THE POINT OF BEGINNING, CONTAINING 0.11 ACRES (4,721 SQUARE FEET) MORE OR LESS.

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

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Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

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

MOTION CARRIED 7 APPROVED
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