

★ Roll Call Number

12-1728

Agenda Item Number

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Date November 5, 2012

HOLD 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; and

WHEREAS, on October 22, 2012, by Roll Call No. 12-1614, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on November 5, 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, and hereby approves, the vacation of a portion of the following City-owned right-of-way for the Southeast Connector Project, subject to reservation of easements for all utilities in place until such time as said utilities are abandoned or relocated: 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

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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 as more specifically described below:

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:

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.

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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.

3. Upon final passage of an ordinance vacating 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

RW

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

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.

T. M. Franklin Council Mayor

Diane Fauh City Clerk