

★ **Roll Call Number**

12-1872

Agenda Item Number

41

Date December 3, 2012

Page 1

**HEARING FOR VACATION OF ALLEY RIGHT-OF-WAY – CENTRAL FIRE
STATION NO. 1 PROPERTY AT 900 MULBERRY STREET**

WHEREAS, the Central Fire Station No. 1 property at 900 Mulberry Street contains an east/west alley within the middle of such property and internal records of the City indicate that such alley was vacated approximately in 1870; and

WHEREAS, the property, including the east/west alley, had been used as a high school since approximately 1870 and has been used as the Central Fire Station No. 1 since the 1930's and at no time during such usage of the property has the east/west alley been used for right-of-way purposes; and

WHEREAS, the ordinance vacating the east/west alley cannot be found in the flood damaged records of the City and the ordinance is not on file with the Polk County Recorder; and

WHEREAS, it is necessary to memorialize vacation of the east/west alley right-of-way and there is no known current or future public need for such right-of-way and the City will not be inconvenienced by the vacation of said right-of-way.

WHEREAS, on November 19, 2012, by Roll Call No. 12-1764, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on December 3, 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.

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41

Page 2

Date December 3, 2012

2. There is no public need or benefit for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the east/west alley at 900 Mulberry Street more specifically described as follows:

All that part of the east/west alley lying north of and adjoining Lot 2 in Block 13 of H.M. Hoxie's Addition to the Town of 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 file the original of the said ordinance together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing in the Office of the Polk County Recorder for the purpose of causing said documents to be recorded.

4. Upon receipt of the recorded documents back from the Polk County Recorder, the City Clerk shall deliver copies of such filed documents to the Legal Department.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

[Signature]

Lawrence R. McDowell
Deputy City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

MOTION CARRIED APPROVED
T. McFranklin 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.

[Signature] City Clerk