

★ Roll Call Number

13-0926

Agenda Item Number

45

Page 1

Date June 10, 2013

**HEARING FOR VACATION OF SEGMENTS OF STREET RIGHT-OF-WAY  
ADJOINING SOUTHWEST 17<sup>TH</sup> STREET BETWEEN  
AMOS AVENUE AND HAVENS AVENUE**

**WHEREAS**, on May 20, 2013, by Roll Call No. 13-0791, the City Council of the City of Des Moines received a recommendation from the City Plan and Zoning Commission that vacation of the following undeveloped segments of City-owned street right-of-way be approved, subject to reservation of easement for all existing utilities until such time as they are relocated: (A) a segment of Amos Avenue west of Southwest 17<sup>th</sup> Street between properties at 7112 Southwest 17<sup>th</sup> Street and 7200 Southwest 17<sup>th</sup> Street; (B) a segment west of Southwest 17<sup>th</sup> Street north of where it intersects with Southwest 16<sup>th</sup> Street between properties at 7402 Southwest 17<sup>th</sup> Street and 7404 Southwest 17<sup>th</sup> Street; and (C) a segment west of Southwest 17<sup>th</sup> Street north of where it intersects with Havens Avenue between properties at 7500 Southwest 17<sup>th</sup> Street and 7502 Southwest 17<sup>th</sup> Street; and

**WHEREAS**, the City Engineer is requesting the vacation of the aforementioned segments of street right-of-way in order for the City to lease the segments to adjoining property owners to reduce the City's maintenance responsibilities; and

**WHEREAS**, there is no known current or future public need or benefit for the segments of right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation of said segments of right-of-way; and

**WHEREAS**, on May 20, 2013, by Roll Call No. 13-0792, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on June 10, 2013, 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 segments of street right-of-way

**Roll Call Number**13-0926**Agenda Item Number**45**Date** June 10, 2013

Page 2

adjoining Southwest 17<sup>th</sup> Street between Amos Avenue and Havens Avenue, locally described above and legally described as follows, subject to reservation of easements for all utilities in place until such time as said utilities are relocated:

ALL OF LOTS F AND G, AND THAT PORTION OF LOT A LYING NORTH OF AND ADJOINING LOT 79, ALL IN HIGHLAND HILLS PLAT 5, AN OFFICIAL PLAT; AND THAT PORTION OF LOT E LYING SOUTH OF AND ADJOINING LOT 12, IN HIGHLAND HILLS PLAT 3, 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 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 *Hensley* 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    |      |      |        |

MOTION CARRIED

APPROVED

*T. McFarland* 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