

★ Roll Call Number
13-1554

Agenda Item Number
16A

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Date October 7, 2013

**SET HEARING FOR VACATION AND CONVEYANCE OF A DEAD END SEGMENT OF
SOUTHWEST 11TH STREET SOUTH OF KIRKWOOD AVENUE TO DES MOINES
INDEPENDENT COMMUNITY SCHOOL DISTRICT FOR \$1**

WHEREAS, on October 7, 2013, by Roll Call No. 13-~~1553~~ the City Council received a recommendation from the City Plan and Zoning Commission that a dead end segment of Southwest 11th Street from Kirkwood Avenue to a point approximately 137 feet south of Kirkwood Avenue ("City Right-of-Way"), hereinafter more fully described, be vacated for conveyance to the adjoining property owner, subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated; and

WHEREAS, the Des Moines Independent Community School District ("Des Moines Public Schools") is the owner of the real property locally known as 2600 SW 9th Street, Lincoln High School, adjoining the City Right-of-Way, and said Right-of-Way adjoins Lincoln High School's Hutchens Stadium; and

WHEREAS, Des Moines Public Schools has requested the vacation of the City Right-of-Way, and requested that the City convey said right-of-way to it in fee simple in accordance with Iowa Code Section 364.7(3) for the public purpose of property assemblage with Lincoln High School's Hutchens Stadium to allow for the stadium's bleachers that currently encroach onto the City Right-of-Way; and

WHEREAS, there is no known current or future public need or benefit for the City Right-of-Way proposed to be vacated and conveyed, and the City will not be inconvenienced by the vacation and conveyance of said property.

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 a dead end segment of Southwest 11th Street from Kirkwood Avenue to a point approximately 137 feet south of Kirkwood Avenue, more specifically described as follows:

ALL THAT PART OF THE EAST 25 FEET OF SW 11TH STREET RIGHT OF WAY (FORMERLY KNOWN AS MOON AVENUE) WEST OF AND ADJOINING LOT 63, IN KIRKWOOD HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

THE WEST 25 FEET OF THE SOUTH 137 FEET OF LOT 19 IN THE OFFICIAL PLAT OF SECTION 16 TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., SAID AREA ALSO BEING THE WEST 25' OF SW 11TH STREET RIGHT OF WAY (FORMERLY KNOWN AS MOON AVENUE), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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2. That, if the City Council first decides to vacate the above-described right-of-way, the City of Des Moines proposes to convey such vacated right-of-way, legally described as follows, to the Des Moines Independent Community School District in accordance with Iowa Code Section 364.7(3), for the public purpose of property assemblage with Lincoln High School's Hutchens Stadium:

ALL THAT PART OF THE VACATED EAST 25 FEET OF SW 11TH STREET RIGHT OF WAY (FORMERLY KNOWN AS MOON AVENUE) WEST OF AND ADJOINING LOT 63, IN KIRKWOOD HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

THE VACATED WEST 25 FEET OF THE SOUTH 137 FEET OF LOT 19 IN THE OFFICIAL PLAT OF SECTION 16 TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., SAID AREA ALSO BEING THE WEST 25' OF SW 11TH STREET RIGHT OF WAY (FORMERLY KNOWN AS MOON AVENUE), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such right-of-way is to be considered shall be on October 21, 2013, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

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

5. There will be no proceeds associated with the conveyance of this property.

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

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

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 Mayor

Diane Rauh City Clerk