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HEARING FOR VACATION OF A SEGMENT OF SOUTHEAST 4TH STREET ADJOINING 626 SOUTHEAST 4TH STREET TO ALLOW FOR CONSTRUCTION OF THE SOUTHEAST 4TH AND SHAW STREETS STORM WATER PUMP STATION PROJECT

WHEREAS, the Engineering Department of the City of Des Moines has requested vacation of a segment of Southeast 4th Street adjoining 626 Southeast 4th Street to allow for construction of the Southeast 4th and Shaw Streets Storm Water Pump Station Project; and

WHEREAS, on October 7, 2013, by Roll Call No. 13-1552, the City Council of the City of Des Moines received a recommendation from the City Plan and Zoning Commission that the requested vacation of a segment of Southeast 4th Street running 100 feet north of Shaw Street, east of and adjoining property located at 626 Southeast 4th Street be approved; and

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

WHEREAS, on October 21, 2013, by Roll Call No. 13-1631, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on November 4, 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, any and all 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 the vacation of a segment of Southeast 4th Street running 100 feet north of Shaw Street, east of and adjoining property locally known as 626 Southeast 4th Street, more specifically described as follows, to allow for construction of the Southeast 4th and Shaw Streets Storm Water Pump Station Project, and said vacation is hereby approved:

ALL THAT PART OF SOUTHEAST 4TH STREET RIGHT-OF-WAY EAST OF AND ADJOINING LOTS 13 AND 14 IN BLOCK 80, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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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 Moore to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

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

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

MOTION CARRIED APPROVED
T. M. Franklin Mayor