

Date May 19, 2014

**HOLD HEARING FOR VACATION OF VARIOUS STREET AND ALLEY RIGHTS-OF-WAY BETWEEN SE 2<sup>ND</sup> STREET AND SE 6<sup>TH</sup> STREET AND BETWEEN SHAW STREET AND THE DES MOINES RIVER FOR THE PURPOSE OF DEDICATING A PORTION OF SUCH RIGHT-OF-WAY AND OTHER ADJOINING CITY-OWNED PROPERTY AS PARKLAND TO REPLACE ALLEN PARK**

**WHEREAS**, the Des Moines City Council initiated a request for vacation of the following City-owned right-of-way for the purpose of dedicating a portion of such right-of-way and other adjoining City-owned property as parkland for the relocation of Allen Park: Maury Street from SE 6<sup>th</sup> Street to Des Moines River; Vale Street from SE 6<sup>th</sup> Street to Des Moines River; north/south alley in Block 66, Town of De Moine; SE 5<sup>th</sup> Street from Maury Street to Des Moines River; north/south alley in Block 58, Town of De Moine; SE 5<sup>th</sup> Street from Maury Street to Shaw Street; north/south alley in Block 57, Town of De Moine; Shaw Street from SE 2<sup>nd</sup> Street to east side of the north/south alley in Block 57, Town of De Moine; SE 4<sup>th</sup> Street and SE 2<sup>nd</sup> Street from Shaw Street to Des Moines River; and

**WHEREAS**, on April 21, 2014, by Roll Call No. 14-0613, the City Council of the City of Des Moines received and filed a recommendation from the City Plan and Zoning Commission to approve the proposal to vacate the right-of-way identified above; and

**WHEREAS**, there is no known current or future 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, subject to reservation of easements for any existing utilities currently located within the right-of-way; and

**WHEREAS**, on May 5, 2014, by Roll Call No. 14-0688, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on May 19, 2014, 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 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 Maury Street from SE 6<sup>th</sup> Street to Des Moines River; Vale Street from SE 6<sup>th</sup> Street to Des Moines River; north/south alley in Block 66, Town of De

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Moine; SE 5<sup>th</sup> Street from Maury Street to Des Moines River; north/south alley in Block 58, Town of De Moine; SE 5<sup>th</sup> Street from Maury Street to Shaw Street; north/south alley in Block 57, Town of De Moine; Shaw Street from SE 2<sup>nd</sup> Street to east side of the north/south alley in Block 57, Town of De Moine; SE 4<sup>th</sup> Street and SE 2<sup>nd</sup> Street from Shaw Street to Des Moines River, all as legally described below, for the purpose of dedicating a portion of such right-of-way and other adjoining City-owned property as parkland for the relocation of Allen Park, and said vacation is hereby approved subject to reservation of easements for all existing utilities currently located therein:

MAURY STREET FROM SE 6<sup>TH</sup> STREET TO DES MOINES RIVER

ALL THAT PART OF THE MAURY STREET RIGHT OF WAY LYING BETWEEN THE WEST RIGHT OF WAY LINE OF SOUTHEAST 6<sup>TH</sup> STREET AND THE NORTHEASTERLY BANK OF THE DES MOINES RIVER, ALL IN TOWN OF DE MOINE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

VALE STREET FROM SE 6<sup>TH</sup> STREET TO DES MOINES RIVER

ALL THAT PART OF THE VALE STREET RIGHT OF WAY LYING BETWEEN THE WEST RIGHT OF WAY LINE OF SOUTHEAST 6<sup>TH</sup> STREET AND THE NORTHEASTERLY BANK OF THE DES MOINES RIVER, ALL IN TOWN OF DE MOINE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

NORTH/SOUTH ALLEY IN BLOCK 66, TOWN OF DE MOINE

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 66 OF TOWN OF DE MOINE, AN OFFICIAL PLAT, LYING BETWEEN THE SOUTH RIGHT OF WAY LINE OF MAURY STREET AND THE NORTHEASTERLY BANK OF THE DES MOINES RIVER; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

SE 5<sup>TH</sup> STREET FROM MAURY STREET TO DES MOINES RIVER

ALL THAT PART OF THE SOUTHEAST 5<sup>TH</sup> STREET RIGHT OF WAY LYING BETWEEN THE SOUTH RIGHT OF WAY LINE OF MAURY STREET AND THE NORTHEASTERLY BANK OF THE DES MOINES RIVER, ALL IN TOWN OF DE MOINE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

NORTH/SOUTH ALLEY IN BLOCK 58, TOWN OF DE MOINE

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 6 THROUGH 9 IN BLOCK 58 OF TOWN OF DE MOINE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

SE 5<sup>TH</sup> STREET FROM MAURY STREET TO SHAW STREET

ALL THAT PART OF THE SOUTHEAST 5<sup>TH</sup> STREET RIGHT OF WAY LYING EAST OF AND ADJOINING BLOCK 57 OF TOWN OF DE MOINE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

NORTH/SOUTH ALLEY IN BLOCK 57, TOWN OF DE MOINE

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 57 OF TOWN OF DE MOINE, AN OFFICIAL PLAT, LYING BETWEEN THE SOUTH RIGHT OF WAY LINE OF SHAW STREET AND THE NORTHEASTERLY BANK OF THE DES MOINES RIVER; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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SHAW STREET FROM SE 2<sup>ND</sup> STREET TO EAST SIDE OF NORTH/SOUTH ALLEY IN BLOCK 57, TOWN OF DE MOINE

ALL THAT PART OF THE SHAW STREET RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 1 AND NORTH OF AND ADJOINING THE NORTH/SOUTH ALLEY RIGHT OF WAY, ALL IN BLOCK 57 OF TOWN OF DE MOINE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

SE 4<sup>TH</sup> STREET AND SE 2<sup>ND</sup> STREET FROM SHAW STREET TO DES MOINES RIVER

ALL THAT PART OF THE VARIOUS STREET RIGHTS OF WAY BOUNDED ON THE EAST BY THE EAST RIGHT OF WAY OF SOUTHEAST 4<sup>TH</sup> STREET, ON THE NORTH BY THE NORTH RIGHT OF WAY LINE OF SHAW STREET, ON THE WEST BY THE SOUTHWESTERLY RIGHT OF WAY LINE OF SOUTHEAST 2<sup>ND</sup> STREET, AND ON THE SOUTH BY THE NORTHEASTERLY BANK OF THE DES MOINES RIVER, ALL IN TOWN OF DE MOINE, 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 and approval by resolution of this City Council, 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 Gatto to adopt.

APPROVED AS TO FORM:

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

(Council Communication No. 14-233)

*RSW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>T. M. Franklin</u> 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