



Roll Call Number

14-1895

Agenda Item Number

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Date December 8, 2014

HOLD HEARING FOR VACATION OF THE SOUTH 10 FEET OF OAK PARK AVENUE FROM 8TH STREET TO A POINT 400 FEET TO THE WEST TO ALLOW FOR DEDICATED PARKING ALONG THE STREET FOR SENIOR RESIDENTS OF OAK PARK MANOR

WHEREAS, the Des Moines Municipal Housing Agency initiated a request for vacation of the south 10 feet of Oak Park Avenue from 8th Street to a point 400 feet to the west to allow for dedicated parking along the street for senior residents of Oak Park Manor; and

WHEREAS, on November 3, 2014, by Roll Call No. 14-1698, 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, subject to the following requirements:

1. Provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.
2. Maintenance of the proposed segment by the Des Moines Municipal Housing Agency, including snow removal.

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 the conditions and requirements above; and

WHEREAS, on November 17, 2014, by Roll Call No. 14-1765, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on December 8, 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 Oak Park Avenue from 8th Street to a point 400 feet to the west, all as legally described below, to allow for dedicated parking along the street for senior residents of Oak Park Manor, and said vacation is hereby approved subject to reservation of easements for all existing utilities currently located therein until such time as they are abandoned or relocated, and



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further subject to the requirement that all maintenance of the vacated right-of-way, including snow removal, shall be the responsibility of Des Moines Municipal Housing Agency:

A PART OF THE OAK PARK AVENUE RIGHT OF WAY IN OAK PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF BLOCK 18 IN SAID OAK PARK; THENCE NORTH AND PERPENDICULAR TO NORTH LINE OF SAID BLOCK, 5 FEET TO THE POINT OF BEGINNING; THENCE WEST AND PARALLEL TO SAID NORTH LINE, 400 FEET; THENCE NORTH AND PERPENDICULAR TO SAID NORTH LINE, 10 FEET; THENCE EAST AND PARALLEL TO SAID NORTH LINE, 400 FEET; THENCE SOUTH AND PERPENDICULAR TO SAID NORTH LINE, 10 FEET TO THE POINT OF BEGINNING, AND CONTAINING APROXIMATELY 4000 SQUARE FEET.

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 Mahaffey to adopt.

APPROVED AS TO FORM:

Cori Kuhn Coleman, Assistant City Attorney

RSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			

T.M. Franklin 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.

Diane Rauh City Clerk