

★ Roll Call Number

15-0763

Agenda Item Number

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Date May 4, 2015

**HOLD HEARING FOR VACATION OF A PORTION OF ROBERT D. RAY DRIVE AS A PARK ROAD AND REDEDICATION AS PUBLIC STREET RIGHT-OF-WAY**

**WHEREAS**, the City of Des Moines Engineering Department initiated a request for the vacation of a portion of Robert D. Ray Drive north of Des Moines Street as a park road, for the purpose of rededicating such park road as public street right-of-way; and

**WHEREAS**, there is no known current or future public need or benefit for Robert D. Ray Drive as a dedicated park road, and the City will not be inconvenienced by the vacation of said park road and its rededication as public street right-of-way, subject to reservation of easements for any existing utilities currently located within the right-of-way.

**WHEREAS**, on April 20, 2105, by Roll Call No. 15-0652, it was duly resolved by the City Council that the proposed vacation of such park road and its rededication as public street right-of-way be set down for hearing on May 4, 2015, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate the dedicated park road and rededicate it as public street 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 vacations, 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 such park road and its rededication as public street right-of-way, as described below, are hereby overruled and the hearing is closed.
2. The portion of Robert D. Ray Drive north of Des Moines Street will be vacated for the purpose of dedicating said portion of park road as right-of-way. The City will not be inconvenienced by reason of the vacation of the portion of Robert D. Ray Drive as park road and its rededication as public street right-of-way, as legally described below, is hereby approved:

Legal Description of Park Road to be Vacated and Rededicated as Robert D. Ray Drive Public Right-of-Way upon final passage and publication of said vacation ordinance:

A PART OF LOT 5, BLOCK "D", RIVER HILLS PLAT THREE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 23°(DEGREES) 46'(MINUTES) 16'(SECONDS) WEST ALONG THE EAST LINE OF SAID LOT 5, A DISTANCE OF



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885.20 FEET; THENCE CONTINUING ALONG SAID EAST LINE SOUTH 1°22'37" EAST, 471.92 FEET; THENCE CONTINUING ALONG SAID EAST LINE SOUTH 15°18'51" EAST, 115.86 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE SOUTH 74°39'04" WEST ALONG THE SOUTHERLY LINE OF SAID LOT, 71.13 FEET; THENCE NORTH 15°52'05" WEST, 44.92 FEET; THENCE NORTH 4°40'22" WEST, 384.63 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 500.00 FEET, WHOSE ARC LENGTH IS 245.55 FEET AND WHOSE CHORD BEARS NORTH 9°23'47" EAST, 243.09 FEET; THENCE NORTH 22°51'14" EAST, 725.11 FEET; THENCE NORTH 23°32'02" EAST, 90.56 FEET TO A POINT ON THE NORTH LINE OF SAID LOT; THENCE SOUTH 85°46'18" EAST ALONG SAID NORTH LINE, 69.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.13 ACRES (92850 SQ. FT.)

3. Upon final passage of an ordinance vacating said park road, 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:

Ann DiDonato  
Ann DiDonato, Assistant City Attorney

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

MOTION CARRIED 7 APPROVED  
T. M. Franklin 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