

★ Roll Call Number

15-0805

Agenda Item Number

19

Date May 18, 2015

**RECEIVE AND FILE COMMUNICATION FROM THE
PLAN AND ZONING COMMISSION REGARDING REQUEST TO
VACATE PORTIONS OF 4TH STREET, COURT AVENUE, AND 5TH AVENUE
RIGHT-OF-WAY ADJOINING 420 COURT AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 7, 2015, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Hy-Vee, Inc. and Knapp Properties, Inc. (developers), represented by Randy Edeker and Gerard Nuegent (officers), for vacation of the following segments of street right-of-way adjoining 420 Court Avenue, subject to reservation of easements for any existing utilities:

1. A 3-foot by 115-foot segment of subsurface rights on the west side of 4th Street;
2. A 2-foot by 100-foot segment of subsurface rights on the west side of 4th Street and a 2-foot by 155-foot segment of subsurface rights on the south side of Court Avenue;
3. A 1.5 foot by 85-foot segment of subsurface rights on the east side of 5th Avenue; and
4. A 4-foot by 60-foot segment of right-of-way on the east side of 5th Avenue.

MOVED by Hensley to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

(11-2015-1.03)

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

MOTION CARRIED

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