

★ Roll Call Number

15-1295

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Date July 27, 2014

**HOLD HEARING FOR VACATION OF CITY-OWNED RIGHT-OF-WAY FOR THE
SOUTHEAST CONNECTOR PROJECT – SE 9TH STREET TO SE 15TH STREET**

WHEREAS, the City of Des Moines Engineering Department initiated a request for vacation of various portions of City street and alley right-of-way located north of Scott Avenue between SE 9th Street and SE 15th Street originally acquired for the Southeast Connector – SE 9th Street to SE 15th Street Project; and

WHEREAS, on June 18, 2015, the City of Des Moines Plan and Zoning Commission voted to recommend approval of the City-initiated request to vacate various street and alley right-of-way adjoining the Southeast Connector between Southeast 9th Street and Southeast 15th Street in order to allow for the dedication of the next segment of the East Martin Luther King, Jr. Parkway and to allow the right-of-way to be assembled and sold for future redevelopment, and on July 13, 2015, the City Council of the City of Des Moines, by Roll Call No. 15-1141, received and filed a communication relating to said recommendation from the City of Des Moines Plan and Zoning Commission; and

WHEREAS, on November 5, 2012, the City Council of the City of Des Moines passed Ordinance No. 15,141, vacating a portion of the north/south alley between SE 14th Street and SE 14th Court, south of East Market Street; a portion of SE 14th Court south of East Market Street and north of Scott Avenue; a portion of the north/south alley between SE 14th Court and SE 15th Street, south of East Market Street; and a portion of SE 15th Street south of East Market Street and north of vacated Raccoon Street; 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 July 13, 2015, by Roll Call No. 15-1140, it was duly resolved by the City Council that the proposed adoption of an ordinance repealing Ordinance No. 15,141, and the vacation of such right-of-way, as described above, be set down for hearing on July 27, 2015, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to repeal Ordinance No. 15,141, and 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 ordinance repeal and 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 ordinance repeal and vacation of public right-of-way, as described below, are hereby overruled and the hearing is closed.

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2. Ordinance No. 15,141 is hereby repealed.
3. 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 the following City-owned right-of-way, said vacation is hereby approved subject to reservation of easements for all existing utilities currently located therein:
 - A) The north/south alley between Southeast 9th Street and Southeast 10th Street from Raccoon Street to East M.L. King Jr. Parkway.
 - B) Southeast 11th Street from Raccoon Street to East M.L. King Jr. Parkway.
 - C) Southeast 12th Street from the Burlington Northern Santa Fe Railroad to East M.L. King Jr. Parkway.
 - D) The south approximately 50 feet of Allen Street from Southeast 10th Street to the east side of Southeast 11th Street.
 - E) The north/south alley between Southeast 10th Street and Southeast 11th Street from Allen Street to Scott Avenue.
 - F) Southeast 11th Street from Allen Street to a point approximately 112 feet to the south.
 - G) The north/south alley between Southeast 11th Street and Southeast 12th Street from Allen Street to a point approximately 168 feet to the south.
 - H) The north/south alley between Southeast 14th Street and Southeast 14th Court from East M.L. King Jr. to a point approximately 327 feet to the north.
 - I) Southeast 14th Court from East M. L. King Jr. Parkway to a point approximately 330 feet to the north.
 - J) The north/south alley between Southeast 14th Court and Southeast 15th Street from East M. L. King Jr. Parkway to a point approximately 333 feet to the north.
 - K) A portion of SE 15th Street south of East Market Street and north of vacated Raccoon Street;

all legally described as follows:

PART A:

A PORTION OF THE NORTH/SOUTH ALLEY ADJOINING LOTS 1, 2, 3, 8, 9 AND 10 OF BLOCK 39, TOWN OF DEMOINE, 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;

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 74°47'34" EAST, 20.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE SOUTH 14°50'11" EAST, 149.16 FEET ON THE WEST LINE OF SAID LOTS 8, 9, AND 10; THENCE SOUTH 74°58'37" WEST, 20.00 FEET TO THE EAST LINE OF SAID LOTS 1, 2, AND 3; THENCE NORTH 14°50'11" WEST, 149.09 FEET ON SAID EAST LINE TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES MORE OR LESS;

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PART B:

THAT PART OF SOUTHEAST 11TH STREET LYING EAST OF AND ADJOINING LOTS 8 AND 9, OF BLOCK 1, AND LYING WEST OF AND ADJOINING LOTS 2 AND 3, BLOCK 14, BOTH IN ALLEN'S SECOND ADDITION TO DES MOINES, 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;

REFERRING TO THE NORTHEAST CORNER OF LOT 10, OF SAID BLOCK 1; THENCE SOUTH 14°(DEGREES) 43'(MINUTES) 24"(SECONDS) EAST, 58.53 FEET ON THE EAST LINE OF SAID BLOCK TO THE POINT OF BEGINNING; THENCE NORTH 75°16'36" EAST, 60.35 FEET; THENCE NORTHEASTERLY 19.99 FEET ON A 62.50 FOOT RADIUS CURVE TO THE LEFT WITH A CHORD BEARING OF NORTH 66°06'53" EAST, 19.90 FEET TO THE WEST LINE OF SAID BLOCK 14; THENCE SOUTH 14°43'24" EAST, 92.08 FEET ON SAID WEST LINE; THENCE SOUTH 74°50'43" WEST, 80.00 FEET TO THE EAST LINE OF SAID BLOCK 1; THENCE NORTH 14°43'24" WEST, 89.51 FEET ON SAID EAST LINE TO THE POINT OF BEGINNING CONTAINING 0.16 ACRES MORE OR LESS;

PART C:

THAT PART OF SOUTHEAST 12TH STREET LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, AND LYING EAST OF AND ADJOINING LOTS 9 AND 10, OF BLOCK 14, AND LYING WEST OF BLOCK 22, BOTH IN ALLEN'S SECOND ADDITION TO DES MOINES, 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;

BEGINNING AT THE NORTHEAST CORNER OF LOT 10 OF SAID BLOCK 14; THENCE NORTH 14°(DEGREES) 42'(MINUTES) 00"(SECONDS) WEST, 45.68 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE SOUTH 83°22'03" EAST, 85.89 FEET ON SAID LINE; THENCE SOUTH 14°42'00" EAST, 125.06 FEET ON THE WEST LINE OF SAID BLOCK 22 AND ITS NORTHERLY EXTENSION THEREOF; THENCE SOUTHWESTERLY 81.68 FEET ON A 116.17 FOOT RADIUS NON TANGENT CURVE TO THE LEFT WITH A CHORD BEARING OF SOUTH 74°19'39" WEST, 80.01 FEET TO THE EAST LINE OF SAID BLOCK 14; THENCE NORTH 14°42'00" WEST, 111.98 FEET ON SAID LINE TO THE POINT OF BEGINNING, CONTAINING 0.25 ACRES MORE OR LESS;

PART D:

THAT PART OF ALLEN STREET LYING NORTH OF BLOCK 2 ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, AND LYING NORTH OF SOUTHEAST 11TH STREET, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

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BEGINNING AT THE NORTHWEST CORNER OF LOT 1, OF SAID BLOCK 2; THENCE NORTH 14°(DEGREES) 44'(MINUTES) 22"(SECONDS) WEST, 49.72 FEET; THENCE NORTH 74°58'37" EAST, 365.65 FEET; THENCE NORTH 77°32'25" EAST, 14.10 FEET; THENCE SOUTH 14°43'24" EAST, 48.69 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 13, SAID ALLEN'S SECOND ADDITION TO DES MOINES; THENCE SOUTH 74°55'03" WEST, 80.00 FEET TO THE NORTHEAST CORNER OF LOT 10 OF SAID BLOCK 2; THENCE SOUTH 74°54'59" WEST, 299.73 FEET ON THE NORTH LINE OF SAID BLOCK 2 TO THE POINT OF BEGINNING, CONTAINING 0.43 ACRES MORE OR LESS;

PART E:

THE NORTH/SOUTH ALLEY LYING NORTH OF SCOTT STREET (AVENUE), SOUTH OF ALLEN STREET, AND ADJOINING LOTS 1 THRU 5 AND 6 THRU 10 OF BLOCK 2, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING 0.13 ACRES MORE OR LESS;

PART F:

THAT PART OF SOUTHEAST 11TH STREET LYING SOUTH OF ALLEN STREET AND ADJOINING LOTS 1 AND 2 OF BLOCK 13, AND ADJOINING LOTS 9 AND 10, BLOCK 2, ALL IN ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING 0.21 ACRES MORE OR LESS;

PART G:

THAT PART OF THE NORTH/SOUTH ALLEY LYING SOUTH OF ALLEN STREET AND ADJOINING LOTS 1, 2, 3, 8, 9 AND 10, OF BLOCK 13, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING 0.08 ACRES MORE OR LESS;

PART H:

THAT PART OF THE NORTH/SOUTH ALLEY LYING EAST OF AND ADJOINING LOTS 25 THRU 32, AND LYING WEST OF AND ADJOINING LOTS 17 THRU 24, BENNETT PLACE, 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;

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 32 THENCE NORTH 89°06'38" EAST, 14.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 17; THENCE SOUTH 00°10'02" EAST, 326.64 FEET ON THE EAST LINE OF SAID ALLEY TO THE SOUTHWEST CORNER OF SAID LOT 24; THENCE NORTH 89°46'39" WEST, 14.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 25; THENCE NORTH 00°10'02" WEST, 326.36 FEET ON THE WEST LINE OF SAID ALLEY TO THE POINT OF BEGINNING, CONTAINING 0.10 ACRES MORE OR LESS;

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PART I:

THAT PART OF SOUTHEAST 14TH COURT LYING EAST OF AND ADJOINING LOTS 17 THRU 24, AND LYING WEST OF AND ADJOINING LOTS 9 THRU 16, BENNETT PLACE, 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;

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 17; THENCE NORTH 89°06'38" EAST, 50.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 16; THENCE SOUTH 00°05'26" EAST, 330.26 FEET ON THE EAST LINE OF SAID SOUTHEAST 14TH COURT TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE NORTH 89°46'39" WEST, 50.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 24; THENCE NORTH 00°05'26" WEST, 329.29 FEET ON THE WEST LINE OF SAID SOUTHEAST 14TH COURT TO THE POINT OF BEGINNING, CONTAINING 0.38 ACRES MORE OR LESS;

PART J:

THAT PART OF THE NORTH/SOUTH ALLEY LYING EAST OF AND ADJOINING LOTS 9 THRU 16, AND LYING WEST OF AND ADJOINING LOTS 1 THRU 8, BENNETT PLACE, 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;

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 16; THENCE NORTH 89°06'38" EAST, 14.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 00°00'48" EAST, 333.18 FEET ON THE EAST LINE OF SAID ALLEY TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 89°46'39" WEST, 14.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH 00°00'48" WEST, 332.91 FEET ON THE WEST LINE OF SAID ALLEY TO THE POINT OF BEGINNING, CONTAINING 0.11 ACRES MORE OR LESS.

PART K:

THAT PART OF SOUTHEAST 15TH STREET LYING EAST OF AND ADJOINING LOTS 1 AND 2, BENNETT PLACE, 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;

REFERRING TO THE SOUTHEAST CORNER OF LOT 8, SAID BENNETT PLACE; THENCE NORTH 00°03'46" EAST, 264.55 FEET ON THE EAST LINE OF SAID BENNETT PLACE TO THE POINT OF BEGINNING; THENCE CONTINUING ON SAID EAST LINE NORTH 00°03'46" EAST, 59.02 FEET; THENCE NORTH 57°58'31" EAST, 94.42 FEET TO THE EAST RIGHT OF WAY LINE OF SAID SOUTHEAST 15TH STREET; THENCE SOUTH 00°03'46" WEST, 59.02 FEET ON SAID EAST LINE; THENCE SOUTH 57°58'31" WEST, 94.42 FEET TO THE POINT OF BEGINNING, CONTAINING 0.11 ACRES MORE OR LESS.



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4. 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:

[Signature]
Lisa A. Wieland, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, 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.

[Signature] Diane Rauh City Clerk

MOTION CARRIED APPROVED
T.M. Franklin Council Mayor