



Roll Call Number

16-0626

Agenda Item Number

66-III

Date April 11, 2016

RESOLUTION CLOSING HEARING ON VACATION OF SUB-SURFACE AREAS WITHIN THE 700 BLOCK OF GRAND AVENUE AND WITHIN THE 500 BLOCK OF 7TH STREET, AND OF AIR RIGHTS WITHIN THE 700 BLOCK OF HIGH STREET, ALL ADJOINING THE BLOCK BOUNDED BY GRAND AVENUE AND 7TH, 8TH AND HIGH STREETS

WHEREAS, on February 22, 2016, by Roll Call No. 16-0308, it was duly resolved by the City Council that the proposed vacation of sub-surface areas within the 700 block of Grand Avenue and within the 500 block of 7th Street, and of air rights within the 700 block of High Street, all adjoining the block bounded by Grand Avenue and 7th, 8th and High Streets and more specifically described below, be set down for hearing on April 11, 2016, at 5:00 p.m., in the Council Chambers; and

WHEREAS, due notice of said proposal to vacate public right-of-way was published in the Des Moines Register on February 25, 2016, 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, the 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 the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the sub-surface areas within the 700 block of Grand Avenue and within the 500 block of 7th Street, and of air rights within the 700 block of High Street, all adjoining the block bounded by Grand Avenue and 7th, 8th and High Streets, and more specifically described as follows:

SUB-SURFACE AREAS

A part of Grand Avenue and 7th Street right-of-way lying adjacent to the southerly and easterly line of Block F, of Grimmel's Addition to the Town of Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa and described as follows:



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Commencing at the northeast corner of said Block F, Grimmel's Addition to the Town of Fort Des Moines; thence South 15°20'36" East along the East line of said Block F, 189.00 feet to the Point of Beginning; thence North 74°39'24" East, 9.33 feet; thence South 15°20'36" East, 7.14 feet; thence South 74°11'36" West, 173.83 feet; thence North 15°44'14" West, 5.00 feet to the North line of the South 7.0 feet of Lot 4 of said Block F, thence North 74°11'36" East along said North line of the South 7.0 feet of said Lot 4, a distance of 164.53 feet to said East line of Block F; thence North 15°20'36" West along said East line, 2.22 feet to the Point of Beginning, and lying below the public sidewalk (containing 0.02 acres (890 s.f.) more or less).

AND, the West 9.33 feet of the 7th Street right-of-way lying East of and adjoining Block F, of Grimmel's Addition to the Town of Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and lying below the public sidewalk.

AIR RIGHTS AREA

A part of High Street right-of-way lying adjacent to the northerly line of Block F and lying adjacent to the southerly line of Block G, all of Grimmel's Addition to the Town of Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa and described as follows:

Commencing at the northeast corner of Lot 1 of said Block F, Grimmel's Addition to the Town of Fort Des Moines; thence South 74°02'12" West along said northerly line, 126.48 feet to the Point of Beginning; thence continuing South 74°02'12" West along said northerly line, 25.00 feet; thence North 15°24'53" West, 66.00 feet to said southerly line of Block G; thence North 74°02'12" East along said southerly line, 25.00 feet; thence South 15°24'53" East, 66.00 feet to the Point of Beginning, which is below a plane elevation of 103.0 feet City Datum and which is above a plane elevation of 86.0 feet City Datum, current ground elevation at centerline of High Street 47.4 feet (containing 0.04 acres (1650 s.f.) more or less).



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MOVED by Hensley to adopt and approve the vacation, subject to final passage of the vacation ordinance.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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 Fauh

City Clerk