

★ Roll Call Number

16-0993

Agenda Item Number

58

Date June 13, 2016

Dispositions: Page 1

**HOLD HEARING FOR VACATION OF SEGMENTS OF STREET RIGHT-OF-WAY IN
THE VICINITY OF 1628 EAST 42ND STREET**

WHEREAS, on May 5, 2016, the City Plan and Zoning Commission approved a request from Pam Cooksey, City Engineer for the City of Des Moines, Iowa, for the vacation of portions of East Washington Street, East 42nd Street and Williams Court (hereinafter "City Right-of-Way"), subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, the City Engineer is proposing to vacate the City Right-of-Way in order to close off public vehicular access to the area, and to assemble it with adjoining properties for conservation purposes; and

WHEREAS, the City Right-of-Way is located within an existing or proposed flood hazard area, there is no known current or future public need for the City Right-Of-Way proposed to be vacated, and the City will not be inconvenienced by the vacation of the City Right-Of-Way; and

WHEREAS, on May 23, 2016, by Roll Call No. 16-0842, it was duly resolved by the City Council that the proposed vacation of the City Right-Of-Way be set down for hearing on June 13, 2016, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate the City 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, 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 portions of East Washington Street, East 42nd Street and Williams Court right-of-way, more specifically described as follows, and said vacation is hereby approved subject to reservation of easements for all existing utilities currently located therein:



Roll Call Number

16.0993

Agenda Item Number

58

Date June 13, 2016

Dispositions: Page 2

THE EAST 299 FEET OF THE NORTH 5 FEET OF LOT 1, BROADACRE, AN OFFICIAL PLAT; AND
 THE EAST 299 FEET OF LOT A OF SAID BROADACRE; AND
 -EXCEPT THE WEST 10 FEET-, ALL THAT PART OF THE EAST WASHINGTON AVENUE
 RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 58 AND 59, ELMWOOD
 PARK, AN OFFICIAL PLAT; AND
 ALL THAT PART OF THE EAST WASHINGTON AVENUE RIGHT OF WAY LYING
 BETWEEN THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 58 AND
 THE EAST LINE OF SAID ELMWOOD PARK; AND
 ALL THAT PART OF THE EAST 42ND STREET RIGHT OF WAY LYING EAST OF AND
 ADJOINING LOTS 13 THROUGH 58, ALL IN SAID ELMWOOD PARK; AND
 ALL OF THE WEST 40 FEET OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 33,
 TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., LYING BETWEEN THE
 EASTERLY EXTENSTION OF THE NORTH LINE OF SAID LOT 13 OF ELMWOOD PARK
 AND THE SOUTH LINE OF SAID NORTHEAST QUARTER (NE1/4);
 ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK
 COUNTY, IOWA.

AND

A PART OF THE EAST 42ND STREET RIGHT OF WAY LYING IN A PART OF LOTS 9
 THRU 12, ELMWOOD PARK, AN OFFICIAL PLAT AND IN SECTION 33, TOWNSHIP 79
 NORTH, RANGE 23 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING
 A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS
 FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 45 OF SAID ELMWOOD PARK;
 THENCE NORTH 0°(DEGREES) 07'(MINUTES) 38"(SECONDS) EAST, 724.10 FEET TO
 THE SOUTHEAST CORNER OF SAID LOT 12 AND ALSO BEING THE POINT OF
 BEGINNING; THENCE SOUTH 89°58'16" WEST ALONG THE SOUTH LINE OF SAID LOT
 12, A DISTANCE OF 54.25 FEET; THENCE NORTHEASTERLY ALONG A CURVE
 CONCAVE NORTHWESTERLY WHOSE RADIUS IS 430.00 FEET, WHOSE ARC LENGTH
 IS 310.88 FEET AND WHOSE CHORD BEARS NORTH 22°10'02" EAST, 304.16 FEET TO A
 POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF
 SAID SECTION; THENCE NORTH 89°47'45" EAST ALONG SAID NORTH LINE, 10.12
 FEET TO A POINT 40.00 FEET EAST OF AND PERPENDICULAR TO THE WEST LINE OF
 SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 0°07'38" WEST
 ALONG A LINE 40.00 FEET EAST OF AND PARALLEL TO SAID WEST LINE, 281.65 FEET
 TO THE POINT OF INTERSECTION WITH THE PROJECTED SOUTH LINE OF SAID LOT
 12; THENCE SOUTH 89°58'16" WEST, 70.00 FEET TO THE POINT OF BEGINNING AND
 CONTAINING 0.30 ACRES (13248 SQ. FT.);



Roll Call Number

16.0993

Agenda Item Number

58

Dispositions: Page 3

Date June 13, 2016

AND

A PART OF THE WILLIAMS COURT RIGHT OF WAY LYING IN LOTS 99 AND 100, ELMWOOD PARK, 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 SOUTHEAST CORNER OF LOT 45 OF SAID ELMWOOD PARK; THENCE NORTH 0°(DEGREES) 07'(MINUTES) 38"(SECONDS) EAST, 592.38 FEET TO THE SOUTHEAST CORNER OF LOT 18 OF SAID ELMWOOD PARK; THENCE SOUTH 89°57'32" WEST ALONG THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 139.82 FEET TO THE SOUTHEAST CORNER OF SAID LOT 99 AND ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°57'32" WEST ALONG THE SOUTH LINE OF SAID LOT 99, A DISTANCE OF 43.89 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 370.00 FEET, WHOSE ARC LENGTH IS 32.96 FEET AND WHOSE CHORD BEARS NORTH 42°32'56" EAST, 32.95 FEET; THENCE NORTH 45°06'04" EAST, 27.83 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 100; THENCE NORTH 89°57'47" EAST ALONG THE NORTH LINE OF SAID LOT 100, A DISTANCE OF 2.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 100; THENCE SOUTH 0°08'20" WEST, 43.89 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (1036 SQ. FT.).

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.



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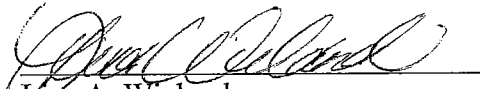
58

Date June 13, 2016

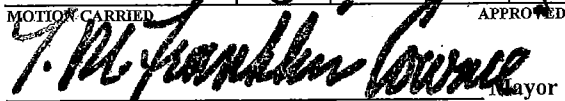
Dispositions: Page 4

Moved by Gatto to adopt.

APPROVED AS TO FORM:


Lisa A. Wieland
Assistant City Attorney


COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	6			1

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