



Roll Call Number

18-1752

Agenda Item Number

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Date October 22, 2018

SET HEARING FOR CORRECTED VACATION OF A PORTION OF VAN BUREN STREET RIGHT-OF-WAY BETWEEN SOUTHEAST 4TH STREET AND SOUTHEAST 5TH STREET FOR THE SE 4TH STREET AND VAN BUREN STREET STORM WATER PUMP STATION PROJECT

WHEREAS, vacation of a portion of Van Buren Street right-of-way between Southeast 4th Street and Southeast 5th Street is required for the construction of the SE 4th Street and Van Buren Street Storm Water Pump Station Project, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, said portion of Van Buren Street is undeveloped and inactive right-of-way and the City Engineer and City Traffic Engineer have determined that there is no other known current or future public need for the portion of Van Buren Street right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation of said property; and

WHEREAS, on August 20, 2018, by Roll Call No. 18-1443, the City Council of the City of Des Moines, Iowa passed Ordinance No. 15,698 which was intended to permanently vacate that portion of Van Buren Street right-of-way between Southeast 4th Street and Southeast 5th Street; and

WHEREAS, subsequent to passing Ordinance No. 15,698 an error was discovered in the legal description of the vacated right-of-way leading to the need to repeal said ordinance and pass a new ordinance to vacate the properly described right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

- 1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of a corrected ordinance permanently vacating a portion of Van Buren Street right-of-way between Southeast 4th Street and Southeast 5th Street legally described as follows:

THAT PART OF EXISTING VAN BUREN STREET RIGHT-OF-WAY IN THE OFFICIAL PLAT OF THAT PART OF LOT 2 OF THE OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10-78-24, MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF BLOCK 11 OF THE SECOND PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT; THENCE 206.89' (M) N14° 21' 19.35"E TO THE POINT OF BEGINNING; THENCE 37.91' (M) N24° 47' 47.31"E, THENCE 34.28' (M) N65° 10' 15.58"W, THENCE 91.06' (M) N63° 54' 33.65"W, THENCE 28.85' (M) N26° 05' 26.35"E, THENCE 223.28 (M) S63° 54' 33.65"E, THENCE 66.02' (M) S24° 47' 47.31"W, THENCE 98.59 (M) N63° 54' 33.65"W TO POINT OF BEGINNING.



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2. That the meeting of the City Council at which the adoption of said ordinance vacating such right-of-way is to be considered shall be on November 5, 2018, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Ann M. DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<i>J. M. Franklin Cownie</i> for				

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