



Roll Call Number

18-1863

Agenda Item Number

44

Date November 5, 2018

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HOLD 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 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.

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 permanently vacating 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; and

WHEREAS, on October 22, 2018, by Roll Call No. 18-1752, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed corrected vacation of said portion of Van Buren Street right-of-way be set for hearing on November 5, 2018, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate a portion of Van Buren Street right-of-way between Southeast 4th Street and Southeast 5th Street was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed 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, as described herein, are hereby overruled and the hearing is closed.

2. The City Engineer and City Traffic Engineer have determined that there is no public need or benefit for the corrected portion of Van Buren Street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said street right-of-way, legally described as follows, and said vacation is hereby approved:

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.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
 Lisa A. Wieland, Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED

J. M. Franklin Cownie 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