



Roll Call Number

19-0582

Agenda Item Number

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Date April 8, 2019

HOLD HEARING FOR VACATION OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 1014 THROUGH 1036 SOUTHEAST 9TH STREET FOR THE SE 9TH STREET STORM WATER PUMP STATION PROJECT

WHEREAS, vacation of a portion of the north-south alley right-of-way located west of and adjoining 1014 through 1036 Southeast 9th Street is required due to the construction of the SE 9th 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 alley right-of-way is undeveloped and inactive; and

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

WHEREAS, on March 25, 2019, by Roll Call No. 19-0466 it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of said alley right-of-way be set for hearing on April 8, 2019, 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 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 vacation of the north-south alley right-of-way located west of and adjoining 1014 through 1036 Southeast 9th Street due to the construction of the SE 9th 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 alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said alley right-of-way, legally described as follows, and said vacation is hereby approved subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated:

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ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 74, TOWN OF DE MOINE, 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 NORTHWEST CORNER OF LOT 7 IN SAID BLOCK 74; THENCE SOUTH ALONG THE WESTERLY LINES OF LOTS 7 THROUTH 11 OF SAID BLOCK 74 TO THE SOUTHWEST CORNER OF SAID LOT 11; THENCE WEST ALONG A STRAIGHT LINE TO THE SOUTHEAST CORNER OF LOT 12 IN SAID BLOCK 74; THENCE NORTH ALONG THE EASTERLY LINES OF LOTS 12 THROUGH 15 OF SAID BLOCK 74 TO THE NORTHEAST CORNER OF SAID LOT 15; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 4,498 SQUARE FEET.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

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

Franklin Cownie Mayor

Diane Rauh City Clerk