



**Roll Call Number**

20-0178

**Agenda Item Number**

39

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**Date** January 27, 2020

**HOLD HEARING FOR VACATION OF ALLEY RIGHT-OF-WAYS LOCATED NORTH OF AND ADJOINING 100 EAST 2<sup>ND</sup> STREET**

**WHEREAS**, on December 16, 2019, by Roll Call No. 19-2002, the City Council of the City of Des Moines voted to receive and file a communication from the Plan and Zoning Commission regarding a City of Des Moines initiated request to vacate the following segments of alley right-of-way adjoining 100 East 2nd Street, Des Moines, Iowa, as legally described below, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated at the City's expense:

- A) The east/west alley between East Court Avenue and vacated East Vine Street from East 1st Street to East 2nd Street.
- B) The north/south alley between East 1st Street and East 2nd Street from the east/west alley north 66 feet to a dead end; and

**WHEREAS**, there is no known current or future public need or benefit for the right-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said right-of-way, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated; and

**WHEREAS**, on January 13, 2020, by Roll Call No. 20-0060, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of the right-of-way be set for hearing on January 27, 2020, 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 the east/west alley right-of-way between East Court Avenue and vacated East Vine Street from East 1st Street to East 2nd Street, and the north/south alley right-of-way between East 1st Street and East 2nd Street from the east/west alley north 66 feet to a dead end, all adjoining 100 East 2nd Street, Des Moines, Iowa, 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation of the east/west alley right-of-way between East Court Avenue and vacated East Vine Street from East 1st Street to East 2nd Street, and the north/south alley right-of-way between East 1st Street and East 2nd Street from the east/west alley north 66 feet to a dead end, all adjoining 100 East 2nd Street, as described herein, are hereby overruled and the hearing is closed.

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2. There is no public need or benefit for the right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said right-of-way, legally described as follows, and said vacation is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated:

- A) The east/west alley right-of-way between East Court Avenue and vacated East Vine Street from East 1st Street to East 2nd Street.
- B) The north/south alley right-of-way between East 1st Street and East 2nd Street from the east/west alley north 66 feet to a dead end:

Legal Description

THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK D LYING WEST OF AND ADJOINING LOT 12 IN BLOCK D, AND ALL OF THE SOUTHERN EAST/WEST ALLEY RIGHT OF WAY IN SAID BLOCK D, ALL IN SCOTT AND DEAN'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.13 ACRES (5,531 SQUARE FEET).

3. 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.

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	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Frank Mayor

**CERTIFICATE**

I, P. Kay Cmelik, 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.

P. Kay Cmelik City Clerk