

★ Roll Call Number

20-0658

Agenda Item Number

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Date April 20, 2020

HOLD HEARING FOR VACATION OF SEGMENTS OF SOUTHEAST 15TH STREET AND EAST MARKET STREET RIGHT-OF-WAY ADJOINING 200 SOUTHEAST 15TH STREET

WHEREAS, on January 13, 2020, by Roll Call No. 20-0056, 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 a segment of East Market Street from East 14th Street to East 18th Street in the vicinity of 1605 East Market Street, Des Moines, Iowa, to allow for assembly with adjoining City-owned property for redevelopment, as legally described below, subject to the following conditions:

- A) Reservation of any necessary easements for the 48-inch Des Moines Water Works feeder main and all other existing utilities in place; and
- B) Reservation of rights for continued use of East Market Street for railway purposes by Norfolk Southern Railroad and Iowa Interstate Railroad, as granted by Ordinance Nos. 62 and 216; and

WHEREAS, on January 13, 2020, by Roll Call No. 20-0057, 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 a segment of East 15th Street from East Martin Luther King, Jr. Parkway to East Market Street in the vicinity of 200 Southeast 15th Street, Des Moines, Iowa, to allow for assembly with adjoining City-owned property for redevelopment, as legally described below, subject to the following conditions:

- A) Reservation of public utilities in place; and
- B) Reservation of an access easement for the benefit of Hawkeye Land Company or their successors; and

WHEREAS, the condition regarding an access easement for the benefit of Hawkeye Land Company is being satisfied through the requirements of the development agreement approved by Council on December 16, 2019 by Roll Call No. 19-2068; 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 further subject to the conditions set forth above; and

WHEREAS, on March 23, 2020, by Roll Call No. 20-0517, 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 April 20, 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 segments of East Market Street and East 15th Street right-of-way, 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



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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 segments of East Market Street and East 15th Street right-of-way, as described herein, are hereby overruled and the hearing is closed.
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 following:
 - A) Reservation of any necessary easements for the 48-inch Des Moines Water Works feeder main and all other existing utilities in place; and
 - B) Reservation of rights for continued use of East Market Street for railway purposes by Norfolk Southern Railroad and Iowa Interstate Railroad, as granted by Ordinance Nos. 62 and 216;

East Market Street between SE 14TH Street and SE 18TH Street

-EXCEPT THE WEST 60 FEET THEREOF- ALL THAT PART OF EAST MARKET STREET RIGHT OF WAY LYING EAST OF THE WEST LINE OF BROOKS AND COS ADDITION, AN OFFICIAL PLAT, AND LYING WEST OF THE WEST RIGHT OF WAY LINE OF SOUTHEAST 18TH STREET, ALL IN SAID BROOKS AND COS ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 4.68 ACRES (203,985 SQUARE FEET).

SE 15th Street between East Market Street and East MLK Jr Pkwy

-EXCEPT THAT PART OF THE VACATED SOUTHEAST 15TH STREET RIGHT OF WAY PREVIOUSLY VACATED BY ORDINANCE 15141 AND RECORDED IN BOOK 14557 PAGE 935 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA-, ALL THAT PART OF SOUTHEAST 15TH STREET RIGHT OF WAY LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF EAST MARKET STREET AS PLATTED, AND LYING NORTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 15 FEET OF LOT 8 IN BENNETT PLACE, AN OFFICIAL PLAT, AND ALL LYING WITHIN BROOKS AND COS ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.87 ACRES (38,214 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.

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Moved by Gatto to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

*Mayor Cownie abstains from voting based on an appearance of a conflict of interest.

PJW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
* COWNIE				
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

MOTION CARRIED APPROVED


J. M. Franklin Cownie 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