



Roll Call Number

20-1003

Agenda Item Number

34A

Date June 22, 2020

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING CITY-INITIATED REQUEST FOR VACATION OF SEGMENT OF EAST MARTIN LUTHER KING, JR. PARKWAY RIGHT-OF-WAY SOUTH OF AND ADJOINING 301 SOUTHEAST 15TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 4, 2020, its members voted 13-0 to recommend APPROVAL of a City-initiated request to vacate an approximately 48-foot wide segment of East Martin Luther King, Jr. Parkway right-of-way south of and adjoining 301 Southeast 15th Street between Southeast 15th Street and Southeast 18th Street, to allow developers of the transload facility at 301 Southeast 15th Street to have additional land for frontage buffer plantings in accordance with Des Moines Municipal Code Section 135-7.7, subject to the following conditions:

- 1. Retention of an easement to accommodate any existing utilities in place, and all future utilities that require use of the vacated right-of-way.
2. City reserves the right to repurchase the vacated right-of-way in the future for \$1.00, if needed for the expansion of East Martin Luther King, Jr. Parkway.
3. City reserves an access easement over the vacated right-of-way for operation, maintenance, repair, construction, and replacement of the existing East Martin Luther King, Jr. Parkway roadway improvements, and for any expansion of East Martin Luther King, Jr. Parkway.
4. The purchaser and any successors shall be responsible for replacement of any landscaping that is damaged as a result of the City's use of the vacated right-of-way, or any utility's use of the vacated right-of-way.

MOVED by Gatto to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(11-2020-1.05)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7).

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.

J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk