



Roll Call Number

21-0095

Agenda Item Number

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Date January 25, 2021

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR A CITY-INITIATED REQUEST TO VACATE A PORTION OF RACCOON STREET AND ALLEY RIGHT-OF-WAY LOCATED BETWEEN SOUTHEAST 4<sup>TH</sup> STREET AND SOUTHEAST 5<sup>TH</sup> STREET, NORTH OF EAST MARTIN LUTHER KING, JR. PARKWAY**

**WHEREAS**, on November 23, 2020, by Roll Call No. 20-1872, the City Council of the City of Des Moines, Iowa, voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a City-initiated request to vacate Raccoon Street right-of-way from Southeast 4<sup>th</sup> Street to Southeast 5<sup>th</sup> Street, and the north/south segment of alley right-of-way between Southeast 4<sup>th</sup> Street to Southeast 5<sup>th</sup> Street from Raccoon Street to East Martin Luther King, Jr. Parkway (“City Property” or “Property”) to allow for incorporation and use in the redevelopment of the area in the Historic East Village in east downtown Des Moines, also known as the Market District; and

**WHEREAS**, the City Property needs to be vacated and assembled with adjoining City owned land for temporary use by the City’s Public Works Department to relocate the outdoor storage area and vehicles currently located at 310 Southeast 4<sup>th</sup> Street and District/Parcel No. 040/03856-000-000, which is required for redevelopment in the Market District; and

**WHEREAS**, there is no known current or future public need for the street and alley right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation of said property, subject to reservation of any existing utilities until such time that they are abandoned or relocated.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating Raccoon Street right-of-way from Southeast 4<sup>th</sup> Street to Southeast 5<sup>th</sup> Street, and the north/south segment of alley right-of-way between Southeast 4<sup>th</sup> Street to Southeast 5<sup>th</sup> Street from Raccoon Street to East Martin Luther King, Jr. Parkway, legally described as follows, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated:

ALL OF THE RACCOON STREET RIGHT OF WAY LYING NORTH OF AND ADJOINING BLOCK 44, TOWN OF DE MOINE, AN OFFICIAL PLAT, AND ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 44 LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF RACCOON STREET AND LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY, SAID NORTH RIGHT OF WAY LINE BEING ESTABLISHED BY THE PLAT OF SURVEY RECORDED IN BOOK 14139 AND PAGE 432-433 AT THE RECORDER’S OFFICE OF POLK COUNTY, IOWA, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.53 ACRES (23,004 SQUARE FEET).

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2. That the meeting of the City Council at which the adoption of said ordinance is to be considered shall be on February 8, 2021, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. Given Mayor Cownie's March 17, 2020 Proclamation, as amended, prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor's October 16, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak, and further given Section 109 of the Governor's October 16, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, and further given the City Manager's decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic public access to the meeting location as set forth below. To participate in the electronic meeting, access is available electronically and telephonically (details below):

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://dmgov-org.zoom.us/j/89292260565?pwd=VWZrVlhpRkFwb01qUjlRcitrTIRKQT09>  
Passcode: 616663

Or join by phone:

Dial (for higher quality, dial a number based on your current location):  
US: +1 312 626 6799 or +1 720 928 9299 or 877 853 5257 (Toll Free) or 833 548 0276  
(Toll Free)  
Webinar ID: 892 9226 0565

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. February 4, 2021 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1<sup>st</sup> Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

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Moved by Boesen to adopt.

APPROVED AS TO FORM:

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

*PTW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

**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.

T. M. Frank Cownie Mayor

P. Kay Cmelik City Clerk