

HOLD 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 4TH STREET AND SOUTHEAST 5TH 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 4th Street to Southeast 5th Street, and the north/south segment of alley right-of-way between Southeast 4th Street to Southeast 5th 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, 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 4th 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; and

WHEREAS, on January 25, 2021, by Roll Call No. 21-0095, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of the street and alley right-of-way be set for hearing on February 8, 2021, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa, and 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 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 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 and telephonic public access to the meeting location; and

WHEREAS, due notice of said proposal to vacate the street and alley right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal, including how to participate electronically and telephonically; 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.



Roll Call Number

21-0221

Agenda Item Number

50

Date February 8, 2021

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 street and alley right-of-way, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the street and alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of Raccoon Street right-of-way from Southeast 4th Street to Southeast 5th Street, and the north/south segment of alley right-of-way between Southeast 4th Street to Southeast 5th 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, and said vacation is hereby approved:

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).

Moved by *Gatto* to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

AW

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

Clerk

City