

Date June 14, 2021

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF 23RD STREET RIGHT-OF-WAY ADJOINING WOODLAND CEMETERY

WHEREAS, on August 22, 2016, by Roll Call No. 16-1397, the City Council of the City of Des Moines authorized the acquisition of property interests for the Near West Side Sewer Separation Project; and

WHEREAS, the City's Engineering Department has determined that a dead-end portion of 23rd Street right-of-way located north of and adjoining Woodland Cemetery is required for the Project for construction and placement of a stormwater pump station; and

WHEREAS, the City's Traffic Engineer has determined that 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.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a dead-end portion of 23rd Street right-of-way located north of and adjoining Woodland Cemetery, Des Moines, Iowa, legally described as follows, for construction and placement of a stormwater pump station for the Near West Side Sewer Separation Project, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated:

Legal Description

THE EAST 20 FEET OF 23RD STREET RIGHT OF WAY LYING WEST OF AND ADJOINING THE SOUTH 20 FEET OF LOT 5, KNUDSON'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 400 SQUARE FEET.

2. A public hearing shall be held on June 28, 2021, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposed vacation of said street right-of-way and adoption of said ordinance and any other(s) submitted prior to or during the public hearing.

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. June 24, 2021 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).



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Please check the posted agenda in advance of the June 14, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

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.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/ 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				
<i>J. M. Francklin Cowme</i> 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