



Roll Call Number

21-1104

Agenda Item Number

20

Date July 19, 2021

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SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF OHIO STREET RIGHT-OF-WAY LOCATED NORTH OF FRANKLIN AVENUE

WHEREAS, Ohio Street north of Franklin Avenue consists of undeveloped land and the Des Moines River levee; and

WHEREAS, the City Traffic Engineer has determined that there is no future plan to develop Ohio Street north of Franklin Avenue; and

WHEREAS, the City Real Estate Division recommends that Ohio Street north of Franklin Avenue be vacated and assembled with the City property locally known as 101 Franklin Avenue, located west of and adjoining the Ohio Street 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

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.

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 the segment of Ohio Street right-of-way located north of Franklin Avenue and east of and adjoining 101 Franklin Avenue, Des Moines, Iowa, legally described as follows, 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

-EXCEPT A TRIANGLE PARCEL BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, BLOCK 1, ROLLINSON'S GARDEN ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 35 FEET; THENCE SOUTHWESTERLY ALONG A LINE TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 2, SAID POINT BE 20 FEET WEST OF SAID SOUTHWEST CORNER OF SAID LOT 2; THENCE EAST ALONG SAID WESTERLY EXTENSION TO THE POINT OF BEGINNING-

ALL OF THE OHIO STREET RIGHT OF WAY LYING WEST OF AND ADJOINING SAID LOT 2, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.13 ACRES (5777 SQUARE FEET).

- 2. That the meeting of the City Council at which the proposed vacation of said right-of-way and adoption of said ordinance are to be considered shall be on August 9, 2021, said hearing to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.



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- 3. 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. August 5, 2021 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the August 9, 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.

- 4. 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 *Latta* to adopt.

APPROVED AS TO FORM:

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

DM

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
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