



21-1356

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Date August 23, 2021

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF SEGMENTS OF STREET AND ALLEY RIGHT-OF-WAY IN THE VICINITY OF SOUTHEAST ASTOR STREET AND SHAW STREET, AND IN THE VICINITY OF SOUTHEAST 16TH STREET AND VALE STREET AS PART OF THE MUNICIPAL SERVICES CENTER PHASE 2 PROJECT

WHEREAS, on May 8, 2017, by Roll Call No. 17-0828, the City Council of the City of Des Moines authorized the acquisition of property interests for the Municipal Services Center – Phase 2 Project; and

WHEREAS, on June 14, 2021, by Roll Call No. 21-0850, 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 the following segments of street and alley right-of-way:

1. North/south alley between Southeast 15th Court and Southeast Astor Street from Maury Street to Scott Avenue;
2. Southeast Astor Street from Maury Street to the Burlington Northern Santa Fe Railroad north of Shaw Street;
3. North/south alley between Southeast Astor Street and vacated Southeast 16th Street from Maury Street to the Burlington Northern Santa Fe Railroad north of Shaw Street;
4. Shaw Street from vacated Southeast 16th Street to the north/south alley west of Southeast Astor Street;
5. Southeast 16th Street from the vacated east/west alley south of Vale Street to Maury Street; and
6. Vale Street from Southeast 15th Street to Southeast 16th Street;

to assemble land for the Municipal Services Center Phase II Project, all subject to the provision of an access easement for fence maintenance purposes for 1520 Maury Street, 609 Southeast 15th Court, 613 Southeast 15th Court and 627 Southeast 15th Court; 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 easements for any existing utilities until such time that they are abandoned and further subject to the reservation of an access easement for fence maintenance purposes over the portion of north-south alley right-of-way adjoining 1520 Maury Street, and adjoining 609, 613 and 627 Southeast 15th Court, legally described as follows:

LOTS 1, 2, 4, AND 8 IN BLOCK 2, AND LOTS 1 THROUGH 10 IN BLOCK 5, HAWTHORN GROVE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

hereinafter “Benefitted Property”; and

WHEREAS, on August 9, 2021, by Roll Call No. 21-1218, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of the right-of-way be set for hearing on August 23, 2021, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

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WHEREAS, due notice of said proposal to vacate segments of street and alley right-of-way in the vicinity of Southeast Astor Street and Shaw Street, and in the vicinity of Southeast 16th Street and Vale Street, Des Moines, Iowa, was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; 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.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation of segments of street and alley right-of-way in the vicinity of Southeast Astor Street and Shaw Street, and in the vicinity of Southeast 16th Street and Vale Street, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said right-of-way, legally described as follows, and said vacation is hereby approved, subject to the reservation of easements for any existing utilities until such time that they are abandoned and further subject to the reservation of an access easement for fence maintenance purposes over the portion of north-south alley right-of-way adjoining 1520 Maury Street, and adjoining 609, 613 and 627 Southeast 15th Court:

Legal Description

Area A – North of Maury Street

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAYS IN BLOCKS 2, 3, 5 AND 6,

AND

ALL OF THE SOUTHEAST ASTOR STREET RIGHT OF WAY LYING WEST OF AND ADJOINING SAID BLOCK 6,

AND

ALL OF THE SOUTHEAST ASTOR STREET RIGHT OF WAY LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 8 IN SAID BLOCK 3 AND LYING SOUTH OF THE NORTHWESTERLY EXTENSION OF THE NORTH LINE OF LOT 1 IN SAID BLOCK 3,

AND

ALL OF THE SHAW STREET RIGHT OF WAY LYING EAST OF THE SOUTHERLY EXTENSION OF THE WEST RIGHT OF WAY LINE OF THE NORTH/SOUTH ALLEY IN SAID BLOCK 2 AND LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 3,

ALL IN HAWTHORN GROVE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1.46 ACRES (63,766 SQUARE FEET).

Area B – South of Maury Street

ALL OF THE VALE STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 19 THROUGH 36,

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AND

ALL OF THE SOUTHEAST 16TH STREET RIGHT OF WAY LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 18 AND LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 54, ALL IN GRAY'S SUBDIVISION OF BLOCK 61, BROOKS AND CO'S ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1.62 ACRES (70,751 SQUARE FEET).

3. Upon final passage of an ordinance vacating said right-of-way and approval by resolution of this City Council, the City Clerk is authorized and directed to forward a certified copy of this resolution and of the affidavit of publication of the notice of this hearing to the Polk County Recorder's Office for the purpose of causing said documents to be recorded.

Moved by Gatto 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. Frankhauser 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