



HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF PORTIONS OF SOUTHEAST 3RD STREET LOCATED NORTH OF EAST MARKET STREET AND SOUTH OF VACATED EAST VINE STREET AS PART OF THE MARKET DISTRICT REDEVELOPMENT PROJECT

WHEREAS, on June 8, 2020, by Roll Call No. 20-0914 the City Council of the City of Des Moines approved the preliminary terms of a development agreement with The District Developer, LLC for the phased master planned redevelopment of 11 blocks of property within the Market District, including the purchase and redevelopment of City-owned property within the Market District; and

WHEREAS, on February 22, 2021, by Roll Call No. 21-0260 the City Council of the City of Des Moines received and filed a recommendation from the City Plan and Zoning Commission to approve a City-initiated request to vacate segments of City right-of-way within an area generally bounded by East Vine Street on the north, East Martin Luther King, Jr. Parkway on the south, Southeast 5th Street on the east, and Southeast 3rd Street on the west, within the Market District, to accommodate right-of-way acquisitions needed to reconfigure block areas for redevelopment in accordance with the Market District at East Village Large-Scale Development Plan, subject to reservation of easements for any existing utilities until such time that they are abandoned or relocated as part of redevelopment of the Market District at East Village area at the expense of private developers or in accordance with a development agreement with the City of Des Moines; and

WHEREAS, a segment of Southeast 3rd Street right-of-way needs to be vacated in order to be conveyed to The District Developer, LLC per the terms of the development agreement; 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; and

WHEREAS, on August 9, 2021, by Roll Call No. 21-1219, 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

WHEREAS, due notice of said proposal to vacate a portion of Southeast 3rd Street right-of-way located south of vacated East Vine Street and north of East Market Street, Des Moines, Iowa, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated, 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 a portion of Southeast 3rd Street right-of-way located south of vacated East Vine Street and north of East Market Street, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the 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 any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated:

Legal Description

That part of SE 3rd Street Right of Way lying easterly of Block K, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Commencing at the southeast corner of said Block K; thence North 15 degrees 13 minutes 28 seconds West, along the easterly line of said Block K, a distance of 5.73 feet to the point of beginning; thence North 74 degrees 46 minutes 32 seconds East, 10.17 feet; thence North 15 degrees 04 minutes 47 seconds West, 253.49 feet; thence South 74 degrees 40 minutes 51 seconds West, 10.78 feet to a point on said easterly line; thence South 15 degrees 13 minutes 00 seconds East, along said easterly line, a distance of 253.47 feet to said Point of Beginning.

Area contains 2,654 square feet.

BASIS OF BEARING:

The orientation of this bearing system is based on the easterly line of Block K. Said line bears South 15 degrees 13 minutes 00 seconds East.

IARCS - Zone 8

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.

21-1359

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Date August 23, 2021

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. 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