



Roll Call Number

22-0690

Agenda Item Number

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Date May 9, 2022

SET HEARING FOR APPROVAL OF VACATION OF EXCESS CITY RIGHT-OF-WAY LOCATED IN GRAY'S LAKE PARK, 2101 FLEUR DRIVE

WHEREAS, on January 24, 2022, by Roll Call No. 22-0095 the City Council received and filed a communication from the City Parks and Recreation Board advising that the Board voted unanimously to APPROVE the SW Infrastructure and Planning Study and recommendation of dedication of City-owned property as the Gray's Lake Wetlands Project Area, south of Gray's Lake and depicted in the attached exhibit, as parkland; and

WHEREAS, on May 9, 2022, by Roll Call No. 22-0687, the City Council received and filed a communication from the City Plan and Zoning Commission advising that at a hearing held on April 21, 2022, the Commission voted 12-0 to APPROVE the vacation of City-owned right-of-way located south of Gray's Lake within the Wetlands Project Area, 2101 Fleur Drive, as legally described below, in order for said right-of-way to be dedicated as parkland; 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.

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 excess City right-of-way located south of Gray's Lake, 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:

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING EAST OF THE WEST LINE OF GRAY PLACE, AN OFFICIAL PLAT, AND LYING WEST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 1 IN SAID GRAY PLACE,

AND

ALL OF THE 40.0 FEET WIDE STREET RIGHT OF WAY (DIAGONAL STREET) ADJOINING THE SOUTH LINE OF SAID GRAY PLACE AND LYING EAST OF THE WEST LINE OF SAID GRAY PLACE AND LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 1,

AND

ALL OF THE 40.0 FEET WIDE STREET RIGHT OF WAY ADJOINING THE EAST LINE OF SAID GRAY PLACE AND LYING SOUTH OF THE NORTH LINE OF SAID GRAY PLACE AND LYING NORTH OF THE NORTHEASTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF DIAGONAL STREET IN SAID GRAY PLACE,



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ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1.07 ACRES (46,559 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 May 23, 2022, 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. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

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.

**(Council Communication No. 22-203)**

Moved by Boesen to adopt. Second by Gatto.

APPROVED AS TO FORM:

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

DM

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1
MOTION CARRIED			APPROVED	

John Fubelli

**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

**MAYOR PRO TEM**