



Roll Call Number

22-0820

Agenda Item Number

41A

Date May 23, 2022

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HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR 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 11-0-1 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, 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; and

WHEREAS, on May 9, 2022, by Roll Call No. 22-0690, 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 May 23, 2022, 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 excess City of Des Moines right-of-way located in Gray’s Lake Park, 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 City of Des Moines right-of-way located in Gray’s Lake Park, 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:



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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 NORTHESTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF DIAGONAL STREET IN SAID GRAY PLACE,

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).

- 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 Mandelbaum to adopt. Second by Boesen.

APPROVED AS TO FORM:

/s/Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL. Includes signature of Mayor P. M. Frankhu Cowne.

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.
Signature of P. Kay Cmelik, City Clerk