



Roll Call Number

22-0872

Agenda Item Number

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Date June 13, 2022

SET HEARING FOR VACATION OF EXCESS WABASH STREET AND SOUTHWEST 17<sup>TH</sup> STREET RIGHT-OF-WAY LOCATED SOUTH OF WEST MARTIN LUTHER KING, JR. PARKWAY AND WEST OF SOUTHWEST 16<sup>TH</sup> STREET

WHEREAS, the City of Des Moines Real Estate Division requested the vacation of a segment of Southwest 17<sup>th</sup> Street right-of-way and a segment of Wabash Street right-of-way located south of West Martin Luther King, Jr. Parkway and west of Southwest 16<sup>th</sup> Street, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, which request was not presented to the City’s Plan and Zoning Commission for review and has instead been determined by the City Traffic Engineer to have no significant impact upon the public use of the right-of-way, in accordance with Municipal Code 102-286(b); 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 a segment of Southwest 17<sup>th</sup> Street right-of-way and a segment of Wabash Street right-of-way, 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:

A PART OF SOUTHWEST 17<sup>TH</sup> STREET RIGHT OF WAY AND A PART OF WABASH STREET RIGHT OF WAY ADJOINING BLOCK 4, CITY PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER SAID BLOCK 4; THENCE SOUTH ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 4 TO THE NORTH LINE OF LOT 1, DICO PLAT NO.1, AN OFFICIAL PLAT, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT OF WAY LINE OF WABASH STREET; THENCE WEST ALONG SAID NORTH LINE TO A CORNER OF SAID LOT 1, SAID CORNER ALSO BEING THE INTERSECTION OF WEST RIGHT OF WAY OF SOUTHWEST 17<sup>TH</sup> STREET AND SAID SOUTH RIGHT OF WAY LINE OF WABASH STREET; THENCE NORTH ALONG AN EASTERLY LINE OF SAID LOT 1 AND ALONG SAID WEST RIGHT OF WAY LINE TO THE INTERSECTION OF SAID WEST RIGHT OF WAY LINE OF SOUTHWEST 17<sup>TH</sup> STREET AND THE SOUTH RIGHT OF WAY LINE OF WEST MARTIN LUTHER KING JR PARKWAY, SAID SOUTH RIGHT OF WAY LINE OF WEST MARTIN LUTHER KING JR PARK WAY BEING DESCRIBED AND RECORDED IN BOOK 12736 PAGE 582 AT THE RECORDER’S OFFICE OF POLK COUNTY, IOWA; THENCE EAST ALONG A STRAIGHT LINE TO THE INTERSECTION OF THE WEST LINE OF SAID BLOCK 4 AND SAID SOUTH RIGHT OF WAY LINE OF WEST MARTIN LUTHER KING JR PARKWAY; THENCE SOUTH ALONG SAID WEST LINE OF SAID BLOCK 4 TO THE SOUTH LINE OF SAID BLOCK 4; THENCE EAST ALONG SAID SOUTH LINE OF SAID BLOCK 4 TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.60 ACRES (26,158 SQUARE FEET).



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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 June 27, 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. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

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. June 23, 2022 (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 June 27, 2022 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.

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.

Moved by Gatto to adopt. Second by Voss.

APPROVED AS TO FORM:

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

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

CERTIFICATE
I, LAURA BAUMGARTNER, Acting 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: Laura Baumgartner, Acting City Clerk