



Roll Call Number

22-1249

Agenda Item Number

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Date August 8, 2022

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SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A SEGMENT OF SOUTHEAST 3RD STREET AND EAST MARKET STREET RIGHT-OF-WAY, AND TO CORRECT THE VACATION OF PORTIONS OF STREET AND ALLEY RIGHT-OF-WAY, ALL LOCATED NORTH OF EAST MARTIN LUTHER KING, JR. PARKWAY AND WEST OF SOUTHEAST 6TH 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 the following 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:

- A) Segment of the west side of Southeast 3rd Street between East Vine Street and East Market Street.
- B) Southeast 3rd Street from the south side of East Market Street to a point 71.90 feet north.
- C) East Market Street from Southeast 3rd Street to Southeast 4th Street.
- D) Segment of the west side of Southeast 4th Street between East Market Street and Vacated East Elm Street.
- E) Segment of the west side of Southeast 4th Street between Vacated East Elm Street to the south side of Vacated Raccoon Street.
- F) Segment of the west side of Southeast 4th Street between Vacated Raccoon Street and East M. L. King Jr. Parkway.
- G) Segment of the east side of Southeast 4th Street between East Vine Street and Vacated East Market Street.
- H) Segment of the east side of Southeast 4th Street at Vacated East Market Street.
- I) Segment of the east side of Southeast 4th Street between Vacated East Market Street and East Elm Street.
- J) Segment of the east side of Southeast 4th Street between East Elm Street and East Raccoon Street.
- K) Segment of the east side of Southeast 4th Street at Vacated Raccoon Street.
- L) Segment of the east side of Southeast 4th Street between Vacated Raccoon Street and East M.L. King Jr. Parkway.



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- M) Segment of the west side of Southeast 5th Street between East Vine Street and Vacated East Market Street.
- N) Segment of the west side of Southeast 5th Street at Vacated East Market Street.
- O) Segment of the west side of Southeast 5th Street between Vacated East Market Street and East Elm Street.
- P) Segment of the west side of Southeast 5th Street between Vacated East Elm Street and Raccoon Street.
- Q) Segment of the west side of Southeast 5th Street at Vacated Raccoon Street.
- R) Segment of the west side of Southeast 5th Street between Vacated Raccoon Street and East M.L. King Jr. Parkway.
- S) Segment of the east side of Southeast 5th Street between East Vine Street and East Market Street.
- T) Segment of East Market Street from Southeast 5th Street to Southeast 6th Street; and

WHEREAS, on August 9, 2021, by Roll Call No. 21-1287, the City Council of the City of Des Moines voted to pass Ordinance No. 16,032 vacating a segment of Southeast 3rd Street right-of-way and segments of Southeast 4th Street right-of-way located south of vacated East Elm Street and north of East Martin Luther King, Jr. Parkway as part of the Market District Redevelopment Project, subject to the reservation of easements for any existing utilities until such time that they are abandoned; and

WHEREAS, on October 4, 2021, by Roll Call No. 21-1501, the City Council of the City of Des Moines voted to pass Ordinance No. 16,047 vacating additional street and alley right-of-way within the Market District 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 as part of the Market District Redevelopment Project, subject to the reservation of easements for any existing utilities until such time that they are abandoned; and

WHEREAS, on March 7, 2022, by Roll Call No. 22-0359, the City Council of the City of Des Moines voted to pass Ordinance No. 16,107 repealing Ordinance No. 16,032 and Ordinance No. 16,047 and correcting the vacation of portions of Southeast 4th Street right-of-way; and

WHEREAS, subsequent to passing Ordinance No. 16,107, additional errors were discovered in the legal descriptions of the vacated right-of-way within the Market District 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 leading to the need to repeal said ordinance and pass a new ordinance to vacate the properly described right-of-way; and

WHEREAS, The District Developer, LLC has further requested the vacation of a segment of Southeast 3rd Street and a segment of East Market Street right-of-way within the Market District in order to begin reconstruction of said street; 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



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WHEREAS,

- A) Southeast 3rd Street from the south side of East Market Street to a point 71.90 feet north.
- B) East Market Street from Southeast 3rd Street to Southeast 4th Street.
- C) Segment of the west side of Southeast 4th Street between East Market Street and Vacated East Elm Street.
- D) Segment of the west side of Southeast 4th Street between Vacated East Elm Street to the south side of Vacated Raccoon Street.
- E) Segment of the west side of Southeast 4th Street between Vacated Raccoon Street and East M. L. King Jr. Parkway.
- F) Segment of the east side of Southeast 4th Street between East Vine Street and Vacated East Market Street.
- G) Segment of the east side of Southeast 4th Street between Vacated East Market Street and East Elm Street.
- H) Segment of the east side of Southeast 4th Street between East Elm Street and East Raccoon Street.
- I) Segment of the east side of Southeast 4th Street at Vacated Raccoon Street.
- J) Segment of the east side of Southeast 4th Street between Vacated Raccoon Street and East M.L. King Jr. Parkway.
- K) Segment of the west side of Southeast 5th Street between East Vine Street and Vacated East Market Street.
- L) Segment of the west side of Southeast 5th Street from the north side of Vacated East Market Street to East Elm Street.
- M) Segment of the west side of Southeast 5th Street between Vacated East Elm Street and Raccoon Street.
- N) Segment of the west side of Southeast 5th Street at Vacated Raccoon Street.
- O) Segment of the west side of Southeast 5th Street between Vacated Raccoon Street and East M.L. King Jr. Parkway.
- P) Segment of the east side of Southeast 5th Street between East Vine Street and East Market Street.
- Q) Segment of Southeast 3rd Street between Vacated Raccoon Street and East M.L. King Jr. Parkway
- R) Segment of Alley South of Vacated Raccoon Street and west of Southeast 4th Street; 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:



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1. That the City Council of the City of Des Moines, Iowa, shall consider repealing Ordinance No. 16,107 and adoption of an ordinance permanently vacating street and alley right-of-way within the Market District 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, legally described as follows, subject to the reservation of easements for any existing utilities until such time that they are abandoned:

A PART OF SOUTHEAST 3RD STREET RIGHT OF WAY LYING BETWEEN BLOCK 7 AND BLOCK N IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 7; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID BLOCK 7 TO THE NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY TO THE EASTERLY LINE OF SAID BLOCK N; THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE OF SAID BLOCK N TO THE NORTHEAST CORNER OF SAID BLOCK N; THENCE EAST ALONG A STRAIGHT LINE, SAID STRAIGHT LINE BEING ALSO THE SOUTH RIGHT OF WAY LINE OF VACATED RACCOON STREET, TO THE NORTHWEST CORNER OF SAID BLOCK 7 AND TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.06 ACRES (2,703 SQUARE FEET).

AND

All that part of the alley Right of Way located in Block 7, 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:

Alley Right of Way lying between the southerly line of the vacated Raccoon Street Right of Way and the northerly line of the East Martin Luther King Jr Parkway Right of Way and between Lots 5 and 6, said Block 7. Area contains 1,130 square feet.

AND

That part of SE 4th Street Right of Way lying westerly of Block 17, Town of De Moine, 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 northwest corner of said Block 17; thence South 15 degrees 03 minutes 44 seconds East, along the westerly line of said Block 17, a distance of 110.56 feet to the point of beginning; thence South 74 degrees 50 minutes 39 seconds West, 0.57 feet; thence South 15 degrees 03 minutes 55 seconds East, 165.12 feet; thence North 74 degrees 46 minutes 32 seconds East, 0.56 feet to a point on said westerly line; thence North 15 degrees 03 minutes 44 seconds West, along said westerly line, a distance of 165.12 feet to the Point of Beginning.

Area contains 93 square feet.



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BASIS OF BEARING: The orientation of this bearing system is based on the westerly line of Block 17. Said line bears North 15 degrees 03 minutes 44 seconds West.

IARCS - Zone 8

AND

That part of SE 4th Street Right of Way lying easterly of Block 5, 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 northeast corner of said Block 5; thence South 15 degrees 03 minutes 42 seconds East, along the easterly line of said Block 5, a distance of 2.03 feet to the Point of Beginning; thence North 74 degrees 46 minutes 32 seconds East, 0.54 feet; thence South 15 degrees 03 minutes 55 seconds East, 271.52 feet; thence South 74 degrees 44 minutes 00 seconds West, 0.56 feet to a point on said easterly line; thence North 15 degrees 03 minutes 42 seconds West, along said easterly line, a distance of 271.52 feet to said Point of Beginning.

Area contains 148 square feet.

BASIS OF BEARING: The orientation of this bearing system is based on the easterly line of Block 5. Said line bears North 15 degrees 03 minutes 42 seconds West.

IARCS - Zone 8

AND

That part of SE 5th Street right of way lying easterly of Lots 9 and 10, Block 44, Town of De Moine, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Beginning at the northeast corner of said Block 44; thence North 74 degrees 48 minutes 41 seconds East, 6.15 feet; thence South 15 degrees 00 minutes 20 seconds East, 111.88 feet; thence South 74 degrees 49 minutes 48 seconds West, 6.27 feet to a point on the easterly line of said Block 44; thence North 14 degrees 56 minutes 39 seconds West, along said easterly line, a distance of 111.88 feet to said Point of Beginning.

Area contains 695 square feet.

BASIS OF BEARING: The orientation of this bearing system is based on the East line Block 44. Said line bears North 14 degrees 56 minutes 39 seconds West.

IARCS - Zone 8

AND

That part of SE 4th Street Right of Way lying westerly of Block 31, Town of De Moine, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Beginning at the southwest corner of said Block 31; thence South 74 degrees 47 minutes 47 seconds West, 0.74 feet; thence North 15 degrees 03 minutes 55 seconds West, 274.48 feet;



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thence North 74 degrees 44 minutes 00 seconds East, 1.24 feet to a point on the westerly line of said Block 31; thence South 14 degrees 57 minutes 38 seconds East along said westerly line, a distance of 274.48 feet to said Point of Beginning.
Area contains 271 square feet.

AND

That part of SE 5th Street Right of Way lying easterly of Block 31, Town of De Moine, an Official Plat included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Beginning at the southeast corner of said Block 31; thence North 75 degrees 51 minutes 49 seconds East, 6.08 feet; thence North 14 degrees 57 minutes 22 seconds West, 274.95 feet; thence South 74 degrees 44 minutes 00 seconds West, 6.02 feet to a point on the easterly line of said Block 31; thence South 14 degrees 56 minutes 39 seconds East, along said easterly line, a distance of 274.83 feet to the Point of Beginning.

Area contains 1,664 square feet.

BASIS OF BEARING: The orientation of this bearing system is based on the East line Block 31. Said line bears South 14 degrees 56 minutes 39 seconds East.

IARCS - ZONE 8

AND

That part of SE 4th Street Right of Way lying westerly of Block 30, Town of De Moine, 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 southwest corner of said Block 30; thence North 15 degrees 14 minutes 56 seconds West, 5.34 feet to the Point of Beginning; thence South 74 degrees 44 minutes 00 seconds West, 1.33 feet; thence North 15 degrees 03 minutes 55 seconds West, 271.46 feet; thence North 74 degrees 46 minutes 32 seconds East, 0.46 feet to a point on the westerly line of said Block 30; thence South 15 degrees 14 minutes 56 seconds East along said westerly line, a distance of 271.45 feet to said Point of Beginning.

Area contains 244 square feet.

AND

That part of SE 5th Street Right of Way lying easterly of Block 30, Town of De Moine, 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 30; thence North 14 degrees 58 minutes 36 seconds West, 5.14 feet to the Point of Beginning; thence North 74 degrees 44 minutes 00 seconds East, 11.90 feet; thence North 14 degrees 57 minutes 22 seconds West, 271.21 feet; thence North 15 degrees 58 minutes 03 seconds West, 75.01 feet; thence South 74 degrees 46

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minutes 32 seconds West, 10.96 feet; thence South 14 degrees 59 minutes 11 seconds East, 6.08 feet; thence South 15 degrees 11 minutes 10 seconds East, 70.50 feet to the northeast corner of said Block 30; thence South 14 degrees 58 minutes 36 seconds East, along the easterly line of said Block 30, a distance of 269.64 feet to said Point of Beginning.

Area contains 4,103 square feet.

BASIS OF BEARING: The orientation of this bearing system is based on the East line of Block 30. Said line bears South 14 degrees 58 minutes 36 seconds East.

IARCS - Zone 8

AND

That part of SE 5th Street Right of Way lying easterly of Block 17, Town of De Moine, 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 northeast corner of said Block 17; thence South 14 degrees 59 minutes 11 seconds East, along the easterly line of said Block 17, a distance of 20.58 feet to the Point of Beginning; thence North 74 degrees 40 minutes 51 seconds East, 11.00 feet; thence South 14 degrees 58 minutes 44 seconds East, 254.73 feet; thence South 74 degrees 46 minutes 32 seconds West, 10.96 feet to a point on the westerly right of way line of SE 5th Street; thence North 14 degrees 59 minutes 11 seconds West, along said westerly right of way line, a distance of 254.71 feet to said Point of Beginning.

Area contains 2,796 square feet.

AND

That part of SE 5th Street Right of Way lying westerly of N 1/2 Market Square Town of De Moine, 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 northwest corner of said N 1/2 Market Square; thence South 14 degrees 59 minutes 12 seconds East, along the westerly line of said N 1/2 Market Square, a distance of 21.00 feet to the Point of Beginning; thence South 74 degrees 40 minutes 51 seconds West, 13.00 feet; thence South 14 degrees 58 minutes 44 seconds East, 254.83 feet; thence North 74 degrees 46 minutes 32 seconds East, 13.03 feet to a point on the southerly extension of said westerly line; thence North 14 degrees 59 minutes 12 seconds West, along said southerly extension and along said westerly line, a distance of 254.85 feet to said Point of Beginning.

Area contains 3,317 square feet.

BASIS OF BEARING: The orientation of this bearing system is based on the easterly line of Block 17. Said line bears North 14 degrees 59 minutes 11 seconds West.

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AND



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That part of SE 4th Street Right of Way lying between Blocks 31 and 44, Town of De Moine, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Beginning at the northwest corner of said Block 44; thence South 74 degrees 48 minutes 36 seconds West, 0.58 feet; thence North 15 degrees 03 minutes 55 seconds West, 66.06 feet; thence North 74 degrees 47 minutes 47 seconds East, 0.74 feet to the southwest corner of said Block 31; thence South 14 degrees 55 minutes 59 seconds East, along the southerly extension of the easterly right of way line of SE 4th Street, a distance of 66.06 feet to the Point of Beginning.

Area contains 43 square feet.

AND

That part of SE 5th Street Right of Way lying between Blocks 31 and 44, Town of De Moine, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Beginning at the northeast corner of said Block 44; thence North 74 degrees 48 minutes 41 seconds East, 6.15 feet; thence North 15 degrees 00 minutes 20 seconds West, 66.02 feet; thence South 75 degrees 51 minutes 49 seconds West, 6.08 feet to the southeast corner of said Block 31; thence South 14 degrees 56 minutes 39 seconds East, along the southerly extension of the westerly right of way line of SE 5th Street, a distance of 66.14 feet to the Point of Beginning.

Area contains 404 square feet.

BASIS OF BEARING: The orientation of this bearing system is based on the West line Block 44. Said line bears South 15 degrees 03 minutes 55 seconds East.

IARCS - Zone 8

AND

The westerly 0.57 feet of SE 4th Street Right of Way lying between Block 6, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines and Block 31, Town of De Moine, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa excepting the northerly 4.12 feet.

and

The westerly 0.57 feet of SE 4th Street Right of Way lying between Blocks 6 and 7, Scott and Dean's Addition, an Official Plat included in and forming a part of the City of Des Moines, Polk County, Iowa.

Area contains 194 square feet.

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That part of SE 4th Street Right of Way lying easterly of Block 7, 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:

Beginning at the northeast corner of said Block 7; thence North 74 degrees 42 minutes 06 seconds East, 0.57 feet; thence South 15 degrees 03 minutes 55 seconds East, 70.23 feet; thence South 89 degrees 20 minutes 27 seconds West, 0.42 feet to a point on the easterly line of said Block 7; thence North 15 degrees 12 minutes 13 seconds West, along said easterly line, a distance of 70.12 feet to said Point of Beginning.

Area contains 34 square feet.

BASIS OF BEARING: The orientation of this bearing system is based on the easterly line of Block 7. Said line bears North 15 degrees 12 minutes 13 seconds West.

IARCS - Zone 8

AND

That part of SE 4th Street Right of Way lying westerly of Block 44, Town of De Moine, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Beginning at the northwest corner of said Block 44; thence South 74 degrees 48 minutes 36 seconds West, 0.58 feet; thence South 15 degrees 03 minutes 55 seconds East, 91.87 feet; thence North 89 degrees 20 minutes 27 seconds East, 0.81 feet to a point on the westerly line of said Block 44; thence North 15 degrees 11 minutes 37 seconds West, on said westerly line, a distance of 92.07 feet to said Point of Beginning.

Area contains 63 square feet.

BASIS OF BEARING: The orientation of this bearing system is based on the West line Block 44. Said line bears North 15 degrees 11 minutes 37 seconds West.

IARCS - Zone 8

AND

All that part of E Market Street Right of Way lying between Blocks 4 and 5, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Except the North 16.00 feet of E Market Street Right of Way.

Area contains 14,010 square feet.

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That part of SE 3rd Street Right of Way lying between Blocks K and 4, Scott & 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:

Beginning at the northeast corner of Block L, said Scott & Dean's Addition; thence North 15 degrees 13 minutes 00 seconds West, a distance of 71.73 feet; thence North 74 degrees 46 minutes 32 seconds East, 66.18 feet to a point on the westerly line of said Block 4; thence South 15 degrees 02 minutes 52 seconds East, 71.91 feet to the northwest corner of Block 5, said Scott & Dean's Addition; thence South 74 degrees 55 minutes 36 seconds West, 65.97 feet to the Point of Beginning.

Area contains 4,745 square feet.

BASIS OF BEARING: The orientation of this bearing system is based on the East line of Block K. Said line bears North 15 degrees 13 minutes 00 seconds West.

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- 2. That the meeting of the City Council at which the repeal of Ordinance No. 16,107, and the adoption of said ordinance vacating the above-described right-of-way are to be considered shall be on August 22, 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.

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. on August 18, 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 August 22, 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.



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Moved by Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

Mackenzie L. Moreno, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			

J. M. Frankin Cownie
Mayor

CERTIFICATE

I, Laura Baumgartner, 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.

Laura Baumgartner
Laura Baumgartner, City Clerk