



Roll Call Number

22-1510

Agenda Item Number

19

Date October 3, 2022

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SET HEARING FOR APPROVAL OF DOCUMENTS FOR THE VACATION OF PORTIONS OF SOUTHEAST 2ND STREET AND SOUTHEAST 4TH STREET RIGHT-OF-WAY LOCATED SOUTH OF SCOTT AVENUE AND ADJOINING 303 SCOTT AVENUE

WHEREAS, on June 13, 2022, by Roll Call No. 22-0870, the City Council of the City of Des Moines voted to receive and file a communication from the Plan and Zoning Commission regarding a request from Earl J. Crouch to vacate the southernmost 265 lineal feet of Southeast 2nd Street and southernmost 178 lineal feet of Southeast 4th Street, south of Scott Avenue, in the vicinity of 303 Scott Avenue., as legally described below, 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, 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 all of the Southeast 2nd Street right-of-way lying south of Scott Avenue and west of and adjoining 303 Scott Avenue, and all of the Southeast 4th Street right-of-way lying south of Scott Avenue and east of and adjoining 303 Scott Avenue, Des Moines, Iowa, 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 SOUTHEAST 2ND STREET RIGHT OF WAY LYING SOUTH OF THE RIGHT OF WAY LINE OF SCOTT AVENUE AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 14, BLOCK 80, ALL IN TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.40 ACRES (17,628 SQUARE FEET).

AND

ALL OF THE SOUTHEAST 4TH STREET RIGHT OF WAY LYING SOUTH OF THE RIGHT OF WAY LINE OF SCOTT AVENUE AND LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 12, BLOCK 80, ALL IN TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.35 ACRES (15,215 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 October 24, 2022, said hearing to be held at 5:00 p.m.,



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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. October 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 October 24, 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 *Boesen*.

APPROVED AS TO FORM:

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

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

MOTION CARRIED 7 APPROVED
J. M. Frankie 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