

SET HEARING FOR APPROVAL OF DOCUMENTS FOR THE VACATION OF AN UNDEVELOPED SEGMENT OF EAST FULTON DRIVE RIGHT-OF-WAY LOCATED WITHIN STONE PARK AT 2100 SOUTHEAST 5TH STREET

WHEREAS, on March 21, 2022, by Roll Call No. 22-0415, the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a request from the City of Des Moines Parks and Recreation Department to vacate the east-west undeveloped segment of East Fulton Drive right-of-way within Stone Park, 2100 Southeast 5th Street, in order to convert the underutilized property to parkland, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are 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 the east-west undeveloped segment of East Fulton Drive right-of-way within Stone Park, 2100 Southeast 5th Street, 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:

-EXCEPT THE EAST 60 FEET- AND **-EXCEPT** THE WEST 60 FEET-, ALL THAT PART OF LOT E (EAST FULTON DRIVE) LYING NORTH OF AND ADJOINING LOT 46, CRAWFORD PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.23 ACRES (9,983 SQUARE FEET).

2. That the meeting of the City Council at which the adoption of said ordinance is to be considered shall be on January 9, 2023, said meeting 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.

Please check the posted agenda in advance of the January 9, 2023 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. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.



Roll Call Number

22-1879

Agenda Item Number

20

Date December 12, 2022

Moved by Gatto to adopt. Second by Voss

APPROVED AS TO FORM:

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

DM

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

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.

J. M. Franklin Cowan Mayor

Laura Baumgartner
Laura Baumgartner, City Clerk