



23-0052

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Date January 9, 2023

HOLD 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 AND DEDICATION OF SUCH PROPERTY AND A SEGMENT OF PREVIOUSLY VACATED EAST OLINDA AVENUE LYING WITHIN STONE PARK AS PARKLAND

WHEREAS, on October 29, 1973, by Roll Call No. 802, the City Council of the City of Des Moines, Iowa voted to pass Ordinance No. 8697 vacating that part of East Olinda Avenue located between Southeast 3rd Street and Southeast 5th Street within Stone Park; and

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; and

WHEREAS, on December 12, 2022, by Roll Call No. 22-1879, 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 January 9, 2023, 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 the east-west undeveloped segment of East Fulton Drive right-of-way within Stone 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 the east-west undeveloped segment of East Fulton Drive right-of-way within Stone Park, 2100 Southeast 5th Street, as described herein, are hereby overruled and the hearing is closed.

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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:

-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).

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.

4. The now vacated East Fulton Drive right-of-way, and that part of East Olinda Avenue located between Southeast 3rd Street and Southeast 5th Street within Stone Park and vacated in 1973, legally described as follows, are both to be used as parkland and are hereby dedicated as such with dedication effective upon Council Approval:

East Fulton Drive

-EXCEPT THE EAST 60 FEET- AND -EXCEPT THE WEST 60 FEET-, ALL THAT PART OF VACATED 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).

And,

East Olinda Avenue

ALL THAT PART OF VACATED EAST OLINDA AVENUE RIGHT-OF-WAY LYING EAST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 36, AND WEST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 58, CRAWFORD PLACE, AN OFFICIAL PLAT ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA.

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Moved by Mandelbaum 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

APPROVED

J. M. Franklin 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