



HOLD HEARING FOR VACATION OF A SEGMENT OF LITTELL AVENUE RIGHT-OF-WAY LOCATED BETWEEN FLEUR DRIVE AND ARMY POST ROAD

WHEREAS, on January 25, 2024, the City of Des Moines closed on the voluntary acquisition of 2302 Littell Avenue for the use and benefit of the Des Moines Airport Authority; and

WHEREAS, prior to the acquisition, Littell Avenue west of Fleur Drive served only as a driveway access to 2302 Littell Avenue and is no longer needed for right-of-way purposes; and

WHEREAS, the Des Moines Airport Authority has requested the vacation of the Littell Avenue right-of-way from west of Fleur Drive to its terminus at the east right-of-way line of Army Post Road 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; and

WHEREAS, on March 4, 2024, by Roll Call No. 240382, 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 March 18, 2024, 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 Littell Avenue right-of-way from west of Fleur Drive to its terminus at the east right-of-way line of Army Post Road, 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 Littell Avenue right-of-way from west of Fleur Drive to its terminus at the east right-of-way line of Army Post Road, as described herein, are hereby overruled and the hearing is closed.

24-0440

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Date March 18, 2024

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:

ALL THAT PART OF LOT B (LITTELL AVENUE RIGHT OF WAY) LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF ARMY POST ROAD AND LYING WEST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF THE EAST 41.0 FEET OF LOT 14, ALL IN WAKONDA HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 40,886 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.

Moved by Mandelbaum to adopt.

Second by Voss.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno

Mackenzie L. Moreno, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	6			

MOTION CARRIED

APPROVED

Connie Boesen

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