

★ **Roll Call Number**

Agenda Item Number

48B

October 23, 2006
Date.....

An Ordinance entitled, "AN ORDINANCE vacating the East 10 feet of SE 10th Street and the West 10 feet of SE 11th Street adjoining 1005 Maury Street",

which was considered and voted upon under Roll Call No.06-_____of October 23, 2006; again presented.

Moved by _____ that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass.

ORDINANCE NO. _____

NOTE: Waiver of this rule is requested by Richard Helgeson, The Southern Rose, LP.

FORM APPROVED:

Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, DIANE RAUH, 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.

Mayor

City Clerk

48B

McMickle, Nanci K.

From: rhelgeson3@cox.net
Sent: Tuesday, October 03, 2006 11:43 PM
To: McMickle, Nanci K.
Subject: Re: Vacation and Conveyance - 10th Street and 11th Street

Nanci:

I am in Mississippi reviewing your email from a guest computer in the lobby of my hotel. The computer cannot print and will not allow me to open your attachment.

The answer is yes, I make the request the City Vacate the Right-of-Ways as proposed. This is very important. We have zoning in place, site purchase agreement and, I just received word this morning, the site will be named as an Enterprise Zone by the City Council.

We must get the Right-of -Way Vacation approved. Please accept this letter as my official request for such city action.

I don't care how it is done, but please do not hold it up pending any official forms from me.

I request a Waiver of The Readings.

Reasons:

- A) I have neighborhood support for the rezoning and for the project.
- B) Neighbors appeared at the P&Z Meeting in support of the project.
- C) The Right-of-Way to be purchased could be of no benefit to any other buyer.
- D) There is no public benefit to three hearings
- E) There can be no public harm to the requested waiver of the readings.
- F) The project cannot proceed without the Vacation and Conveyance of the Right-of-Way.

My cell phone is: 612-965-1173

Please call my if you need something additional from me.

Richard Helgeson