

Date February 21, 2022

**SET HEARING FOR APPROVAL OF DOCUMENTS TO CORRECT THE VACATION OF PORTIONS OF SOUTHEAST 4<sup>th</sup> STREET RIGHT-OF-WAY LOCATED BETWEEN VACATED EAST ELM STREET AND EAST MARTIN LUTHER KING, JR. PARKWAY FOR THE MARKET DISTRICT REDEVELOPMENT PROJECT**

**WHEREAS**, on August 9, 2021, by Roll Call No. 21-1287, the City Council of the City of Des Moines voted to pass Ordinance No. 16,032 vacating portions of Southeast 4<sup>th</sup> Street right-of-way located south of vacated East Elm Street and north of East Martin Luther King, Jr. Parkway as part of the Market District Redevelopment Project, subject to the reservation of easements for any existing utilities until such time that they are abandoned; and

**WHEREAS**, on October 4, 2021, by Roll Call No. 21-1501, the City Council of the City of Des Moines voted to pass Ordinance No. 16,047 vacating portions of Southeast 4<sup>th</sup> Street right-of-way located south of Raccoon Street and north of East Martin Luther King, Jr. Parkway as part of the Market District Redevelopment Project, subject to the reservation of easements for any existing utilities until such time that they are abandoned; and

**WHEREAS**, subsequent to passing Ordinance No. 16,032 and Ordinance No. 16,047, an error was discovered in the legal descriptions of the vacated Southeast 4<sup>th</sup> Street right-of-way leading to the need to repeal said ordinances and pass a new ordinance to vacate the properly described right-of-way.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, shall consider repealing Ordinance Nos. 16,032 and 16,047 and adoption of a corrected ordinance permanently vacating portions of Southeast 4<sup>th</sup> Street right-of-way located south of vacated East Elm Street and north of East Martin Luther King, Jr. Parkway; and south of Raccoon Street and north of East Martin Luther King, Jr. Parkway, legally described as follows, subject to the reservation of easements for any existing utilities until such time that they are abandoned:

The westerly 0.57 feet of SE 4<sup>th</sup> Street Right of Way lying between Block 6, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines and Block 31, Town of De Moine, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa excepting the northerly 4.12 feet.

AND

The westerly 0.57 feet of SE 4<sup>th</sup> Street Right of Way lying between Blocks 6 and 7, Scott and Dean's Addition, an Official Plat included in and forming a part of the City of Des Moines, Polk County, Iowa.

Area contains 194 square feet.

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IARCS – Zone 8

AND

That part of SE 4<sup>th</sup> Street Right of Way lying easterly of Block 7, Scott and Dean’s Addition, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Beginning at the northeast corner of said Block 7; thence North 74 degrees 42 minutes 06 seconds East, 0.57 feet; thence South 15 degrees 04 minutes 35 seconds East, 70.23 feet; thence South 89 degrees 20 minutes 27 seconds West, 0.42 feet to a point on the easterly line of said Block 7; thence North 15 degrees 12 minutes 40 seconds West, along said easterly line, a distance of 70.12 feet to said Point of Beginning.

Area contains 34 square feet.

**BASIS OF BEARING:**

The orientation of this bearing system is based on the easterly line of Block 7. Said line bears North 15 degrees 12 minutes 40 seconds West.

IARCS – Zone 8

AND

That part of SE 4<sup>th</sup> Street Right of Way lying westerly of Block 44, Town of De Moine, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Beginning at the northwest corner of said Block 44; thence South 74 degrees 48 minutes 36 seconds West, 0.58 feet; thence South 15 degrees 03 minutes 55 seconds East, 91.87 feet; thence North 89 degrees 20 minutes 27 seconds East, 0.81 feet to a point on the westerly line of said Block 44; thence North 15 degrees 11 minutes 37 seconds West, on said westerly line, a distance of 92.07 feet to said Point of Beginning.

Area contains 63 square feet.

**BASIS OF BEARING:**

The orientation of this bearing system is based on the West line Block 44. Said line bears North 15 degrees 11 minutes 37 seconds West.

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2. That the meeting of the City Council at which the repeal of Ordinance No. 16,032 and Ordinance No. 16,047, and the adoption of said corrected ordinance vacating such right-of-way is to be considered shall be on March 7, 2022, 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.

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. March 3, 2022 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1<sup>st</sup> Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

Please check the posted agenda in advance of the March 7, 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 \_\_\_\_\_ to adopt. Second by \_\_\_\_\_.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland  
Lisa A. Wieland, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS     | ABSENT | <p style="text-align: center;"><b>CERTIFICATE</b></p> <p>I, P. Kay Cmelik, 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.</p> <p>IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.</p> |
|----------------|------|------|----------|--------|---|
| COWNIE         |      |      |          |        |   |
| BOESEN         |      |      |          |        |   |
| GATTO          |      |      |          |        |   |
| MANDELBAUM     |      |      |          |        |   |
| SHEUMAKER      |      |      |          |        |   |
| VOSS           |      |      |          |        |   |
| WESTERGAARD    |      |      |          |        |   |
| TOTAL          |      |      |          |        |   |
| MOTION CARRIED |      |      | APPROVED |        |   |

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

