★ **Roll Call Number**
12-1645

Agenda Item Number
38

Date October 22, 2012

HOLD HEARING FOR VACATION OF THE EAST/WEST AND NORTH/SOUTH ALLEYS LOCATED IN THE BLOCK BOUNDED BY EAST 1ST STREET, EAST COURT AVENUE, EAST 2ND STREET AND THE NORFOLK SOUTHERN RAILWAY

WHEREAS, the Engineering Department of the City of Des Moines has requested vacation of the east/west and north/south alleys located in the block bounded by East 1st Street, East Court Avenue, East 2nd Street and the Norfolk Southern Railway to allow for an expansion project for the Police Department Evidence Storage Facility located at 25 East 1st Street; and

WHEREAS, on September 24, 2012, by Roll Call No. 12-1496, the City Council of the City of Des Moines received a recommendation from the City Plan and Zoning Commission that the requested vacation of the east/west and north/south alleys located in the block bounded by East 1st Street, East Court Avenue, East 2nd Street and the Norfolk Southern Railway be approved, subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated; and

WHEREAS, there is no known current or anticipated public need for the right-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said right-of-way; and

WHEREAS, on October 8, 2012, by Roll Call No. 12-1557, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on October 22, 2012, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said 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, the objections to said proposed vacation of public right-of-way, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for or benefit from the right-of-way proposed to be vacated, and the City would not be inconvenienced by reason of the vacation of the east/west and north/south alleys located in the block bounded by East 1st Street, East Court Avenue, East 2nd Street and the Norfolk Southern Railway, as more specifically described below, to allow for an expansion project for the Police Department Evidence Storage Facility located at 25 East 1st Street, subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated, and said vacation is hereby approved:

★ **Roll Call Number**
12-1645

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38

Date October 22, 2012

ALL THAT PART OF EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOT 13 IN BLOCK D OF SCOTT AND DEAN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

ALL THAT PART OF NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING BETWEEN THE SOUTHWESTERLY EXTENSION OF THE NORTH LINE OF LOT 16 AND THE SOUTHWESTERLY EXTENSION OF THE SOUTH LINE OF LOT 13, ALL IN BLOCK D OF SCOTT AND DEAN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

3. Upon final passage of an ordinance vacating the said right-of-way, 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 Meyer to adopt.

APPROVED AS TO FORM:
Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED

T. M. Franklin Cownie Mayor

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.

Diane Rauh City Clerk