



Roll Call Number

14-0688

Agenda Item Number

15

Page 1

Date May 5, 2014

SET HEARING FOR VACATION OF VARIOUS STREET AND ALLEY RIGHTS-OF-WAY BETWEEN SE 2ND STREET AND SE 6TH STREET AND BETWEEN SHAW STREET AND THE DES MOINES RIVER FOR THE PURPOSE OF DEDICATING A PORTION OF SUCH RIGHT-OF-WAY AND OTHER ADJOINING CITY-OWNED PROPERTY AS PARKLAND TO REPLACE ALLEN PARK

WHEREAS, the Des Moines City Council initiated a request for vacation of the following City-owned right-of-way for the purpose of dedicating a portion of such right-of-way and other adjoining City-owned property as parkland for the relocation of Allen Park: Maury Street from SE 6th Street to Des Moines River; Vale Street from SE 6th Street to Des Moines River; north/south alley in Block 66, Town of De Moine; SE 5th Street from Maury Street to Des Moines River; north/south alley in Block 58, Town of De Moine; SE 5th Street from Maury Street to Shaw Street; north/south alley in Block 57, Town of De Moine; Shaw Street from SE 2nd Street to east side of the north/south alley in Block 57, Town of De Moine; SE 4th Street and SE 2nd Street from Shaw Street to Des Moines River; and

WHEREAS, on April 21, 2014, by Roll Call No. 14-0613, the City Council of the City of Des Moines received and filed a recommendation from the City Plan and Zoning Commission to approve the proposal to vacate the right-of-way identified above; 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 reservation of easements for any existing utilities currently located within the right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating the following City-owned right-of-way for purpose of dedicating a portion of such right-of-way and other adjoining City-owned property as parkland for the relocation of Allen Park: Maury Street from SE 6th Street to Des Moines River; Vale Street from SE 6th Street to Des Moines River; north/south alley in Block 66, Town of De Moine; SE 5th Street from Maury Street to Des Moines River; north/south alley in Block 58, Town of De Moine; SE 5th Street from Maury Street to Shaw Street; north/south alley in Block 57, Town of De Moine; Shaw Street from SE 2nd Street to east side of the north/south alley in Block 57, Town of De Moine; SE 4th Street and SE 2nd Street from Shaw Street to Des Moines River, all legally described as follows:

MAURY STREET FROM SE 6TH STREET TO DES MOINES RIVER

ALL THAT PART OF THE MAURY STREET RIGHT OF WAY LYING BETWEEN THE WEST RIGHT OF WAY LINE OF SOUTHEAST 6TH STREET AND THE NORTHEASTERLY BANK OF THE DES MOINES RIVER, ALL IN TOWN OF DE MOINE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.



Roll Call Number

14-01688

Agenda Item Number

15

Date May 5, 2014

VALE STREET FROM SE 6TH STREET TO DES MOINES RIVER

ALL THAT PART OF THE VALE STREET RIGHT OF WAY LYING BETWEEN THE WEST RIGHT OF WAY LINE OF SOUTHEAST 6TH STREET AND THE NORTHEASTERLY BANK OF THE DES MOINES RIVER, ALL IN TOWN OF DE MOINE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

NORTH/SOUTH ALLEY IN BLOCK 66, TOWN OF DE MOINE

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 66 OF TOWN OF DE MOINE, AN OFFICIAL PLAT, LYING BETWEEN THE SOUTH RIGHT OF WAY LINE OF MAURY STREET AND THE NORTHEASTERLY BANK OF THE DES MOINES RIVER; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

SE 5TH STREET FROM MAURY STREET TO DES MOINES RIVER

ALL THAT PART OF THE SOUTHEAST 5TH STREET RIGHT OF WAY LYING BETWEEN THE SOUTH RIGHT OF WAY LINE OF MAURY STREET AND THE NORTHEASTERLY BANK OF THE DES MOINES RIVER, ALL IN TOWN OF DE MOINE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

NORTH/SOUTH ALLEY IN BLOCK 58, TOWN OF DE MOINE

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 6 THROUGH 9 IN BLOCK 58 OF TOWN OF DE MOINE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

SE 5TH STREET FROM MAURY STREET TO SHAW STREET

ALL THAT PART OF THE SOUTHEAST 5TH STREET RIGHT OF WAY LYING EAST OF AND ADJOINING BLOCK 57 OF TOWN OF DE MOINE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

NORTH/SOUTH ALLEY IN BLOCK 57, TOWN OF DE MOINE

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 57 OF TOWN OF DE MOINE, AN OFFICIAL PLAT, LYING BETWEEN THE SOUTH RIGHT OF WAY LINE OF SHAW STREET AND THE NORTHEASTERLY BANK OF THE DES MOINES RIVER; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

SHAW STREET FROM SE 2ND STREET TO EAST SIDE OF NORTH/SOUTH ALLEY IN BLOCK 57, TOWN OF DE MOINE

ALL THAT PART OF THE SHAW STREET RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 1 AND NORTH OF AND ADJOINING THE NORTH/SOUTH ALLEY RIGHT OF WAY, ALL IN BLOCK 57 OF TOWN OF DE MOINE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

SE 4TH STREET AND SE 2ND STREET FROM SHAW STREET TO DE MOINES RIVER

ALL THAT PART OF THE VARIOUS STREET RIGHTS OF WAY BOUNDED ON THE EAST BY THE EAST RIGHT OF WAY OF SOUTHEAST 4TH STREET, ON THE NORTH BY THE NORTH RIGHT OF WAY LINE OF SHAW STREET, ON THE WEST BY THE SOUTHWESTERLY RIGHT OF WAY LINE



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15

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OF SOUTHEAST 2ND STREET, AND ON THE SOUTH BY THE NORTHEASTERLY BANK OF THE DES MOINES RIVER, ALL IN TOWN OF DE MOINE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

- 2. That the meeting of the City Council at which the proposed vacation of said right-of-way and adoption of said ordinance are to be considered shall be on May 19, 2014, said hearing to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
- 3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached, not less than four nor more than twenty days before said meeting, in accordance with Section 362.3 of the Iowa Code.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>T. M. Franklin Council</u> 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