



Roll Call Number

21-1285

Agenda Item Number

63

Date August 9, 2021

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HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF PORTIONS OF SOUTHEAST 3RD STREET AND SOUTHEAST 4TH STREET RIGHT-OF-WAY LOCATED NORTH OF MARTIN LUTHER KING, JR. PARKWAY AND SOUTH OF VACATED EAST ELM STREET AS PART OF THE MARKET DISTRICT REDEVELOPMENT PROJECT

WHEREAS, on June 8, 2020, by Roll Call No. 20-0914 the City Council of the City of Des Moines approved the preliminary terms of a development agreement with The District Developer, LLC for the phased master planned redevelopment of 11 blocks of property within the Market District, including the purchase and redevelopment of City-owned property within the Market District; and

WHEREAS, on February 22, 2021, by Roll Call No. 21-0260 the City Council of the City of Des Moines received and filed a recommendation from the City Plan and Zoning Commission to approve a City-initiated request to vacate segments of City right-of-way within an area generally bounded by East Vine Street on the north, East Martin Luther King, Jr. Parkway on the south, Southeast 5th Street on the east, and Southeast 3rd Street on the west, within the Market District, to accommodate right-of-way acquisitions needed to reconfigure block areas for redevelopment in accordance with the Market District at East Village Large-Scale Development Plan, subject to reservation of easements for any existing utilities until such time that they are abandoned or relocated as part of redevelopment of the Market District at East Village area at the expense of private developers or in accordance with a development agreement with the City of Des Moines; and

WHEREAS, a segment of Southeast 3rd Street right-of-way and segments of Southeast 4th Street right-of-way need to be vacated in order to be incorporated with Block 6 and Block 7 in the Market District for conveyance to The District Developer, LLC per the terms of the development agreement; 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 July 19, 2021, by Roll Call No. 21-1103, 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 August 9, 2021, 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 a portion of Southeast 3rd Street right-of-way located south of Raccoon Street and portions of Southeast 4th Street right-of-way located north and south of Raccoon Street, Des Moines, Iowa, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated, was given



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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 a portion of Southeast 3rd Street right-of-way located south of Raccoon Street and portions of Southeast 4th Street right-of-way located north and south of Raccoon Street, as described herein, are hereby overruled and the hearing is closed.
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:

Legal Description – SE 3rd Street

A PART OF SOUTHEAST 3RD STREET RIGHT OF WAY LYING BETWEEN BLOCK 7 AND BLOCK N IN SCOTT & DEAN’S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 7; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID BLOCK 7 TO THE NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY TO THE EASTERLY LINE OF SAID BLOCK N; THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE OF SAID BLOCK N TO THE NORTHEAST CORNER OF SAID BLOCK N; THENCE EAST ALONG A STRAIGHT LINE, SAID STRAIGHT LINE BEING ALSO THE SOUTH RIGHT OF WAY LINE OF VACATED RACCOON STREET, TO THE NORTHWEST CORNER OF SAID BLOCK 7 AND TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.06 ACRES (2,703 SQUARE FEET).

AND

Legal Description – SE 4th Street

The westerly 0.57 feet of SE 4th 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.



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And,

The westerly 0.57 feet of SE 4th Street Right of Way lying between Blocks 6 and Q, 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.

IARCS - Zone 8

AND

That part of SE 4th 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 35 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

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.



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Moved by Gatto to adopt.

APPROVED AS TO FORM:

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

PW

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

J. M. Franklin Cownie Mayor

CERTIFICATE

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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

P. Kay Cmelik City Clerk