

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF OHIO STREET RIGHT-OF-WAY LOCATED NORTH OF FRANKLIN AVENUE

WHEREAS, Ohio Street north of Franklin Avenue consists of undeveloped land and the Des Moines River levee; and

WHEREAS, the City Real Estate Division recommends that Ohio Street north of Franklin Avenue be vacated and assembled with the City property locally known as 101 Franklin Avenue, located west of and adjoining the Ohio Street 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, the City Traffic Engineer has determined that there is no future plan to develop Ohio Street north of Franklin Avenue; 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. 21-1104, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of said street 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 the segment of Ohio Street right-of-way located north of Franklin Avenue and east of and adjoining 101 Franklin Avenue, 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 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 the segment of Ohio Street right-of-way located north of Franklin Avenue and east of and adjoining 101 Franklin Avenue, as described herein, are hereby overruled and the hearing is closed.



Roll Call Number

21-1288

Agenda Item Number

64

Date August 9, 2021

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- 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

-EXCEPT A TRIANGLE PARCEL BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, BLOCK 1, ROLLINSON'S GARDEN ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 35 FEET; THENCE SOUTHWESTERLY ALONG A LINE TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 2, SAID POINT BE 20 FEET WEST OF SAID SOUTHWEST CORNER OF SAID LOT 2; THENCE EAST ALONG SAID WESTERLY EXTENSION TO THE POINT OF BEGINNING-, ALL OF THE OHIO STREET RIGHT OF WAY LYING WEST OF AND ADJOINING SAID LOT 2, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.13 ACRES (5777 SQUARE FEET).

- 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.

Moved by Gray to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

PW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

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

MOTION CARRIED 7 APPROVED

J. M. Frankhu Cownie
Mayor