



Roll Call Number

22-0256

Agenda Item Number

36

Date February 21, 2022

HOLD HEARING FOR APPROVAL OF DOCUMENTS TO CORRECT THE VACATION OF A PORTION OF SOUTHEAST 3RD STREET RIGHT-OF-WAY LOCATED NORTH OF EAST MARKET STREET AND SOUTH OF VACATED EAST VINE STREET AS PART OF THE MARKET DISTRICT REDEVELOPMENT PROJECT

WHEREAS, on August 23, 2021, by Roll Call No. 21-1359, the City Council of the City of Des Moines voted to pass Ordinance No. 16,038 vacating approximately 2,654 square feet of Southeast 3rd Street right-of-way located south of vacated East Vine Street and north of East Market Street 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. 16,038, an error was discovered in the legal description of the vacated right-of-way leading to the need to repeal said ordinance and pass a new ordinance to vacate the properly described right-of-way.

WHEREAS, on February 7, 2022, by Roll Call No. 22-0171, it was duly resolved by the City Council that the proposed corrected vacation of the street right-of-way be set down for hearing on February 21, 2022, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to repeal Ordinance No. 16,038 and to correct the vacation of the street 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 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed repeal of Ordinance No. 16,038 and the vacation of the street right-of-way as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of a portion of Southeast 3rd Street right-of-way located south of vacated East Vine Street and north of East Market Street, legally described as follows, subject to the reservation of easements for any existing utilities until such time that they are abandoned, and said vacation is hereby approved:

That part of SE 3rd Street Right of Way lying easterly of Block K, 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:



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Commencing at the southeast corner of said Block K; thence North 15 degrees 13 minutes 00 seconds West, along the easterly line of said Block K, a distance of 5.73 feet to the point of beginning; thence North 74 degrees 46 minutes 32 seconds East, 10.17 feet; thence North 15 degrees 04 minutes 47 seconds West, 253.49 feet; thence South 74 degrees 40 minutes 51 seconds West, 10.78 feet to a point on said easterly line; thence South 15 degrees 13 minutes 00 seconds East, along said easterly line, a distance of 253.47 feet to said Point of Beginning.

Area contains 2,654 square feet.

BASIS OF BEARING:

The orientation of this bearing system is based on the easterly line of Block K. Said line bears South 15 degrees 13 minutes 00 seconds East.

IARCS - Zone 8

Moved by Mandelbaum to adopt. Second by Boesen.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>J. M. Franklin Cownie</u> 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