

Date March 7, 2022

HOLD HEARING FOR APPROVAL OF DOCUMENTS TO CORRECT THE VACATION OF PORTIONS OF SOUTHEAST 4th STREET RIGHT-OF-WAY LOCATED BETWEEN VACATED EAST ELM STREET AND EAST MARTIN LUTHER KING, JR. PARKWAY FOR THE MARKET DISTRICT REDEVELOPMENT PROJECT

WHEREAS, on August 9, 2021, by Roll Call No. 21-1287, the City Council of the City of Des Moines voted to pass Ordinance No. 16,032 vacating portions of Southeast 4th Street right-of-way located south of vacated East Elm Street and north of East Martin Luther King, Jr. Parkway 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, on October 4, 2021, by Roll Call No. 21-1501, the City Council of the City of Des Moines voted to pass Ordinance No. 16,047 vacating portions of Southeast 4th Street right-of-way located south of Raccoon Street and north of East Martin Luther King, Jr. Parkway 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. 16,032 and Ordinance No. 16,047, an error was discovered in the legal descriptions of the vacated Southeast 4th Street right-of-way leading to the need to repeal said ordinances and pass a new ordinance to vacate the properly described right-of-way; and

WHEREAS, on February 21, 2022, by Roll Call No. 22-0236, 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 March 7, 2022, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to repeal Ordinance No. 16,032 and Ordinance No. 16,047 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. 16,032 and Ordinance No. 16,047 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 portions of Southeast 4th Street right-of-way located south of vacated East Elm Street and north of East Martin Luther King, Jr. Parkway, legally



Roll Call Number

22-0357

Agenda Item Number

55

Date March 7, 2022

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:

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.

AND

The westerly 0.57 feet of SE 4th Street Right of Way lying between Blocks 6 and 7, 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 34 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

AND

That part of SE 4th Street Right of Way lying westerly of Block 44, Town of De Moine, 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 northwest corner of said Block 44; thence South 74 degrees 48 minutes 36 seconds West, 0.58 feet; thence South 15 degrees 03 minutes 55 seconds East, 91.87 feet; thence North 89 degrees 20 minutes 27 seconds East, 0.81 feet to a point on the westerly line of said Block 44; thence North 15

22-0357

55

Date March 7, 2022

degrees 11 minutes 37 seconds West, on said westerly line, a distance of 92.07 feet to said Point of Beginning.

Area contains 63 square feet.

BASIS OF BEARING:

The orientation of this bearing system is based on the West line Block 44. Said line bears North 15 degrees 11 minutes 37 seconds West.

IARCS - Zone 8

Moved by Mandelbaum to adopt. Second by Gatto.

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
P. M. Frankhu Cowne 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