



Roll Call Number

22-0414

Agenda Item Number

26

Date March 21, 2022

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM POLK COUNTY CONSERVATION BOARD FOR VACATION OF PORTIONS OF PUBLIC STREET RIGHT-OF-WAY IN THE VICINITY OF EAST 39TH STREET AND FOUR MILE DRIVE AND IN THE VICINITY OF EAST AURORA AVENUE AND COLFAX AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 3, 2022, its members voted 13-0 to recommend APPROVAL of a request from Polk County Conservation Board (applicant), represented by Richard Leopold (officer), to vacate the following portions of public street right-of-way in the vicinity of East 39th Street and Four Mile Drive and in the vicinity of East Aurora Avenue and Colfax Avenue, to allow the right-of-way to be removed, restored to open space, and incorporated into the Lower Fourmile Creek Greenway and with adjoining land owned by Polk County in order to reduce flooding impacts on adjoining residential neighborhoods, subject to reservation of easements for any existing utilities until such time as they are abandoned or relocated at the applicant's expense:

- 1. East 41st Street from Mattern Avenue to East Jefferson Avenue;
2. East 41st Court from East Jefferson Avenue to Four Mile Drive;
3. The south approximately 70 feet of East 40th Court north of Four Mile Drive;
4. Four Mile Drive from East Jefferson Avenue to Williams Court;
5. East 40th Street from East Jefferson Avenue to Four Mile Drive;
6. Hull Avenue connecting East 35th Street to East 35th Street;
7. The north approximately 200 feet of East 40th Street south of Washington Avenue; and
8. Easterly half of Colfax Avenue from East Aurora Avenue to East Shawnee Avenue; and

WHEREAS, the City's Planning Administrator advises that the segment of right-of-way identified above as the north approximately 200 feet of East 40th Street south of Washington Avenue is anticipated to be needed in the future to serve a public right-of-way purpose and should not be vacated by the City at this time.

MOVED by Boesen, and seconded by Gatto, to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division, excluding the proposed vacation of the right-of-way identified above as the north approximately 200 feet of East 40th Street south of Washington Avenue.

FORM APPROVED:

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

(ROWV-2022-000006)

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

Motion Carried APPROVED
J.M. Franklin
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.

Signature of P. Kay Cmelik
City Clerk