

**HOLD HEARING FOR VACATION OF EXCESS WABASH STREET AND SOUTHWEST 17<sup>TH</sup> STREET RIGHT-OF-WAY LOCATED SOUTH OF WEST MARTIN LUTHER KING, JR. PARKWAY AND WEST OF SOUTHWEST 16<sup>TH</sup> STREET**

**WHEREAS**, the City of Des Moines Real Estate Division requested the vacation of a segment of Southwest 17<sup>th</sup> Street right-of-way and a segment of Wabash Street right-of-way located south of West Martin Luther King, Jr. Parkway and west of Southwest 16<sup>th</sup> Street, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, which request was not presented to the City’s Plan and Zoning Commission for review and has instead been determined by the City Traffic Engineer to have no significant impact upon the public use of the right-of-way, in accordance with Municipal Code 102-286(b); 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 June 13, 2022, by Roll Call No. 22 - 0872, 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 June 27, 2022, 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 segment of Southwest 17<sup>th</sup> Street right-of-way and a segment of Wabash Street right-of-way 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 a segment of Southwest 17<sup>th</sup> Street right-of-way and a segment of Wabash Street right-of-way located south of West Martin Luther King, Jr. Parkway and west of Southwest 16<sup>th</sup> 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:



**Roll Call Number**

22-1037

**Agenda Item Number**

48

**Date** June 27, 2022

A PART OF SOUTHWEST 17<sup>TH</sup> STREET RIGHT OF WAY AND A PART OF WABASH STREET RIGHT OF WAY ADJOINING BLOCK 4, CITY PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER SAID BLOCK 4; THENCE SOUTH ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 4 TO THE NORTH LINE OF LOT 1, DICO PLAT NO.1, AN OFFICIAL PLAT, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT OF WAY LINE OF WABASH STREET; THENCE WEST ALONG SAID NORTH LINE TO A CORNER OF SAID LOT 1, SAID CORNER ALSO BEING THE INTERSECTION OF WEST RIGHT OF WAY OF SOUTHWEST 17<sup>TH</sup> STREET AND SAID SOUTH RIGHT OF WAY LINE OF WABASH STREET; THENCE NORTH ALONG AN EASTERLY LINE OF SAID LOT 1 AND ALONG SAID WEST RIGHT OF WAY LINE TO THE INTERSECTION OF SAID WEST RIGHT OF WAY LINE OF SOUTHWEST 17<sup>TH</sup> STREET AND THE SOUTH RIGHT OF WAY LINE OF WEST MARTIN LUTHER KING JR PARKWAY, SAID SOUTH RIGHT OF WAY LINE OF WEST MARTIN LUTHER KING JR PARK WAY BEING DESCRIBED AND RECORDED IN BOOK 12736 PAGE 582 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA; THENCE EAST ALONG A STRAIGHT LINE TO THE INTERSECTION OF THE WEST LINE OF SAID BLOCK 4 AND SAID SOUTH RIGHT OF WAY LINE OF WEST MARTIN LUTHER KING JR PARKWAY; THENCE SOUTH ALONG SAID WEST LINE OF SAID BLOCK 4 TO THE SOUTH LINE OF SAID BLOCK 4; THENCE EAST ALONG SAID SOUTH LINE OF SAID BLOCK 4 TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.60 ACRES (26,158 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 Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno  
Mackenzie L. Moreno, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER				✓
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

J. M. Frankin Cownie Mayor

**CERTIFICATE**

I, LAURA BAUMGARTNER, Acting 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.

Laura Baumgartner  
Laura Baumgartner, Acting City Clerk