



HOLD HEARING FOR VACATION OF EXCESS EAST-WEST ALLEY RIGHT-OF-WAY LOCATED SOUTH OF EAST RAILROAD AVENUE, NORTH OF HARRIET STREET AND EAST OF SOUTHEAST 15TH STREET

WHEREAS, on July 18, 2022, by Roll Call No. 22-1137 the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a request from the City Engineer to vacate an undeveloped east/west alley right-of-way in the vicinity of SE 15th Street and E. Railroad Avenue to allow assembly of parcels for the City of Des Moines’ solar field, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; 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 18, 2022, by Roll Call No. 22-1140, 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 August 8, 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 the east-west alley right-of-way located south of East Railroad Avenue, north of Harriet Street and east of Southeast 15th Street, 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 east-west alley right-of-way located south of East Railroad Avenue, north of Harriet Street and east of Southeast 15th 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:

ALL OF THE ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 32 THROUGH 49, T.M. WALKER’S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN

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AND FORMING A PART OF POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.25 ACRES (10,800 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 Voss.

APPROVED AS TO FORM:

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL MOTION CARRIED. Includes signature of J. M. Frankhu Cownie, Mayor.

CERTIFICATE

I, LAURA BAUMGARTNER, 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 (signature)

Laura Baumgartner, City Clerk