

23-1608

12

Date November 20, 2023

**SET HEARING FOR VACATION OF ALLEY RIGHT-OF-WAY EXTENDING APPROXIMATELY 211 FEET NORTH FROM CLARK STREET BETWEEN MARTIN LUTHER KING, JR. PARKWAY AND 19<sup>TH</sup> STREET**

**WHEREAS**, on August 8, 2022, by Roll Call No. 22-1292, the City Council of the City of Des Moines voted to authorize the acquisition of the necessary property interests for construction of the Fire Station 4 Relocation Project; and

**WHEREAS**, a portion of the north-south City alley right-of-way located north of Clark Street between Martin Luther King, Jr. Parkway and 19<sup>th</sup> Street must be vacated in order to be assembled with the adjoining City-owned property for the Fire Station 4 Relocation Project; and

**WHEREAS**, the vacation of said portion of City alley right-of-way 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), Des Moines, Iowa; 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.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a portion of City alley right-of-way located north of Clark Street between Martin Luther King, Jr. Parkway and 19<sup>th</sup> Street, legally described as follows, 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 THAT PART OF THE 16.00 FOOT WIDE ALLEY LYING EAST OF AND ADJACENT TO LOTS 13 THRU 16, OFFICIAL PLAT OF LOT 9 O.P. S 33-T79-R24, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. That the meeting of the City Council at which the proposed vacation of said right-of-way and adoption of said ordinance are to be considered shall be on December 4, 2023, said hearing to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

★ Roll Call Number

23-1608

Agenda Item Number

12

Page 2

Date November 20, 2023

3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

Moved by Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill, Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, COLEMAN, COWNIE, GATTO, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL. 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
Laura Baumgartner, City Clerk