

Date December 4, 2023

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**HOLD 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 FOR THE FIRE STATION 4 RELOCATION PROJECT**

**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; and

**WHEREAS**, on November 20, 2023, by Roll Call No. 23-1608, 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 December 4, 2023, 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 portion of City alley right-of-way located north of Clark Street between Martin Luther King, Jr. Parkway and 19<sup>th</sup> 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 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, as described herein, are hereby overruled and the hearing is closed.

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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 alley 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 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.

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 Coleman to adopt. Second by Gatto.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
COLEMAN	✓			
COWNIE	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Connie Boeser

Mayor  
PRO TEM

**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