

★ Roll Call Number
23-1757

Agenda Item Number
25

Date December 18, 2023

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM 1435 MULBERRY, LLC (OWNER), REPRESENTED BY ANDREW JURIS (OFFICER), FOR VACATION OF SUBSURFACE RIGHTS WITHIN THE MULBERRY STREET RIGHT-OF-WAY ADJOINING PROPERTY AT 1435 MULBERRY STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 7, 2023, its members voted 13-0 to recommend **APPROVAL** of a request from 1435 Mulberry, LLC (Owner), represented by Andrew Juris (Officer) for vacation of approximately 1,444 square feet of subsurface rights within the Mulberry Street right-of-way adjoining property at 1435 Mulberry Street, to allow the encroachment of proposed building footings, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

MOVED by Gatto to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

SECOND BY Boesen

APPROVED AS TO FORM:

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

(ROWV-2023-000019)

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

MOTION CARRIED

APPROVED

J. M. Franklin 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 City Clerk