

ORDINANCE NO. 14,159

AN ORDINANCE vacating a portion of S.W. 4th Street and any remaining street and alley rights-of-way within the new Science Center of Iowa site located between Vine Street and S.W. Martin Luther King Jr. Parkway, and between S.W. 3rd and S.W. 5th Streets.

WHEREAS, on March 18, 2002, by Roll Call No. 02-735, in the exercise of its urban renewal powers under Iowa Code Chapter 403, the City Council approved an Urban Renewal Agreement for Sale of Land for Private Redevelopment with the Science Center of Iowa for the sale of a site located between Vine Street and S.W. Martin Luther King Jr. Parkway, and between S.W. 3rd and S.W. 5th Streets, hereinafter more fully described, for the new Science Center of Iowa facility; and,

WHEREAS, development of the Science Center of Iowa facility will require the vacation of the public rights-of-way located within the site described below; and,

WHEREAS, the removal and relocation of all utilities now located within such rights-of-way is necessary to permit the construction of the improvements proposed to be undertaken by the Science Center of Iowa; and,

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, it is desirable that the public right-of-way herein described be vacated; NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That a portion of S.W. 4th Street and any remaining street and alley rights-of-way within the new Science Center of Iowa site between Vine Street and S.W. Martin Luther King Jr. Parkway, and between S.W. 3rd and S.W. 5th Streets, more specifically described as follows, be and is hereby vacated:

Parcel "A": A part of Blocks 18, 19, 26 and 27, Fort Des Moines, an Official Plat, more particularly described as follows:
Commencing at the Southwest corner of Lot 2, of said Block 19;
thence South 15° (degrees) 22' (minutes) 52" (seconds) East, 65.00 feet to the Point of Beginning; thence North 74° 19'05" East, 630.19 feet; thence South 15° 22'52" East, 296.88 feet; thence South 79° 55'51" West, 632.90 feet; thence North 15° 22'52" West, 234.97 feet to the Point of Beginning, as surveyed and monumented in the field by Michael M. Klapp, Licensed Surveyor No. 4821, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Parcel "B": A part of Block 26, Fort Des Moines, an Official Plat, more particularly described as follows: Commencing at the northeasterly corner of Lot 6, of said Block 26; thence South 15° (degrees) 22' (minutes) 52" (seconds) East along the westerly right-of-way line of Southwest 3rd Street, 172.60 feet to the Point of Beginning; thence South 15° 22'52" East, 26.00 feet; thence South 74° 19;05" West, 281.46 feet; thence North 15° 22'52" West, 26.00 feet; thence North 74° 19'05" East, 281.46 feet to the Point of Beginning, as surveyed and monumented in the field by Michael M. Klapp, Licensed Surveyor No. 4821, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 2. All utilities and franchise holders with facilities in place within Parcels "A" and "B" described above shall remove or abandon such facilities within sixty (60) days of the effective date of this ordinance, excepting only those facilities existing under authority of an easement of record.

Sec. 3. That the City Clerk is hereby authorized and directed to cause a certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Donna V. Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 02- 2725), passed by the City Council of said City at a meeting held November 18, 2002 signed by the Mayor on November 18, 2002 and published as provided by law in the Business Record on December 2, 2002 Authorized by Publication Order No. 3472.

Donna V. Boetel-Baker, City Clerk