

ORDINANCE NO. 14,558

AN ORDINANCE vacating portions of the subsurface rights within the public rights-of-way adjoining the block encompassed by 2nd Avenue, Watson Powell Jr. Parkway, 3rd Street and Grand Avenue.

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 portions of the subsurface rights within the public rights-of-way adjoining the block encompassed by 2nd Avenue, Watson Powell Jr. Parkway, 3rd Street and Grand Avenue, more specifically described as follows, be and is hereby vacated.

EXHIBIT "A"

A strip of ground below grade being the South 1.0 foot of Watson Powell Jr. Way lying North and adjoining Lot 1, except the West 9.0 feet, Block 4, Bird's Addition, an Official Plat, and lying North of and adjoining vacated alley in said Block 4, and lying North of and adjoining Lot 1, Second Street Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Commencing at the Northeast Corner, Lot 1, of said Second Street Place; Thence North 88°(degrees) 34'(minutes) 14" (seconds) West, along the South right-of-way line of Watson Powell Jr. Way, 76.01 feet to the POINT OF BEGINNING. Thence continuing North 88°34'14" West, 171.44 feet, along the South right-of-way line of Watson Powell Jr. Way; Thence South 00°34'17" West, along the East line of the West 9.0 feet of Lot 1, of said Block 4, a distance of 50.55 feet and being the East right-of-way line of 3rd Street; Thence North 89°25'43" West, 1.40 feet; Thence North 01°25'46" East, 51.54 feet; Thence South 88°34'14" East, 172.08 feet; Thence South 01°25'46" West, 1.00 foot to the POINT OF BEGINNING, containing by survey 225 sq. ft.

EXHIBIT "B"

The area below grade of a strip of ground in the West 9.0 feet of Lot 2, Block 4, Bird's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa more particularly described as follows:

Commencing at the Northeast Corner, Lot 1, Second Street Place, an Official Plat; Thence North 88°(degrees) 34'(minutes) 14"(seconds) West, along the South right-of-way line of Watson Powell Jr. Way, 247.46 feet to the East line of the West 9.0 feet Lots 1 thru 5, Block 4, Bird's Addition, an Official Plat, and being the East right-of-way line

of 3rd Street; Thence South 00°34'17" West, along the East right-of-way line of 3rd Street, 75.80 feet to the POINT OF BEGINNING. Thence continuing South 00°34'17" West, along the said East right-of-way line of 3rd Street and being the East line of the West 9.0 feet of Lot 2, of said Block 4, 42.75 feet; Thence North 88°34'14" West, 1.40 feet; Thence North 01°25'46" East, 42.75 feet; Thence South 88°34'14" East, 0.76 feet to the POINT OF BEGINNING, containing by survey 46 sq. ft.

EXHIBIT "C"

The area below grade of a strip of ground in the West 9.0 feet of Lot 3 and 4, Block 4, Bird's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa more particularly described as follows:

Commencing at the Northeast Corner, Lot 1, Second Street Place, an Official Plat; Thence North 88°(degrees)34'(minutes)14"(seconds) West, along the South right-of-way line of Watson Powell Jr. Way, 247.46 feet to the East right-of-way line of 3rd Street also being the East line of the West 9.0 feet of Lots 1 thru 5, of said Block 4; Thence South 00°34'17" West, 192.35 feet to the POINT OF BEGINNING. Thence continuing South 00°34'17" West along the East right-of-way line of 3rd Street, 6.48 feet; Thence North 15°14'24" West, 6.23 feet; Thence North 74°45'36" East, 1.76 feet to the POINT OF BEGINNING, containing by survey 5.5 sq. ft.

EXHIBIT "D"

The area below grade of a strip of ground in the West 9.0 feet of Lot 5, Block 4, Bird's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa more particularly described as follows:

Commencing at the Northeast Corner, Lot 1, Second Street Place, an Official Plat; Thence North 88°(degrees) 34'(minutes) 14"(seconds) West, along the South right-of-way line of Watson Powell Jr. Way, 247.46 feet to the East line of the West 9.0 feet of Lots 1 thru 5, Block 4 of said Bird's Addition; and being the East right-of-way line of 3rd Street; Thence South 00°34'17" West, along the East right-of-way line of 3rd Street, 263.02 feet to the POINT OF BEGINNING. Thence continuing South 00°34'17" West, along the said East right-of-way line, 6.48 feet; Thence North 15°14'24" West, 6.23 feet; Thence North 74°45'36" East, 1.76 feet to the POINT OF BEGINNING, containing by survey 5.5 sq. ft.

EXHIBIT "E"

The area below grade of a strip of Grand Avenue right-of-way lying South of and adjoining Lots 3 and 4, Second Street Place, an Official Plat; and being a strip below grade being the North 1.0 foot of the South 7.0 feet of Lot 5, Block 4, Bird's Addition, an Official Plat, and the North 1.0 foot of the South 7.0 feet of vacated North/South alley in said Block 4, all now included in and forming a part of the City of Des Moines, Polk County, Iowa more particularly described as follows:

Commencing at the Northeast Corner, Lot 1, of said Second Street Place; Thence South 00°(degrees) 05'(minutes) 22"(seconds) West, along the West right-of-way line of 2nd Avenue to the Southeast Corner of said Lot 4, a distance of 241.73 feet; Thence South 74°45'36" West, along the North right-of-way line of Grand Avenue, 31.87 feet to the POINT OF BEGINNING. Thence South 15°14'24" East, 1.00 foot; Thence South 74°45'36" West, 213.71 feet; Thence North 15°14'24" West, 1.00 foot; Thence North 74°45'36" East, along the North right-of-way line of Grand Avenue, 213.71 feet to the POINT OF BEGINNING, containing by survey 214 sq. ft.

EXHIBIT "F"

The area below grade of a strip of street right-of-way lying North and East of and adjoining Lot 1 and lying East of and adjoining Lot 2 of Second Street Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa more particularly described as follows:

Beginning at the Northeast Corner, Lot 1, of said Second Street Place the POINT OF BEGINNING. Thence North 88°(degrees) 34'(minutes) 14"(seconds) West, 21.38 feet; along the South right-of-way line of Watson Powell Jr. Way; Thence South 89°54'38" East, 22.37 feet; Thence South 00°05'25" West, 192.75 feet; Thence North 89°54'38" West, to the West right-of-way line of 2nd Avenue, 1.00 foot; Thence North 00°05'22" East, along the West right-of-way line of 2nd Avenue, 192.25 feet to the POINT OF BEGINNING, containing by survey 230 sq. ft.

Sec. 2. The City of Des Moines hereby reserves an easement upon the property described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

Sec. 3. That the City Clerk is hereby authorized and directed to cause 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:

Ann DiDonato, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, 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. 06-837), passed by the City Council of said City at a meeting held April 24, 2006 signed by the Mayor on April 24, 2006 and published as provided by law in the Business Record on May 8, 2006 Authorized by Publication Order No. 5117.

Diane Rauh, City Clerk