

ORDINANCE NO. 15,189

AN ORDINANCE vacating portions of the 6th Avenue, Mulberry Street and alley rights-of-way adjoining the Midland Building at 206 6th 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 6th Avenue, Mulberry Street and alley rights-of-way adjoining the Midland Building at 206 6th Avenue, more specifically described as follows, be and is hereby vacated:

ENCROACHMENTS AT GROUND GRADE

E2 BUILDING LINE:

A STRIP OF MULBERRY STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOT 5 BEGINNING 70.10 FEET EAST OF THE SOUTHWEST CORNER OF LOT 5 LYING 0.35 FEET SOUTH AND 3.16 FEET EAST, SAID LOT IN BLOCK ELEVEN IN THE ORIGINAL TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APPROXIMATELY 1.2 SQUARE FEET.

E3 BUILDING LINE:

A STRIP OF MULBERRY STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOT 5 BEGINNING AT THE SOUTHEAST CORNER OF LOT 5 LYING 0.25 FEET SOUTH AND 3.40 FEET WEST, SAID LOT IN BLOCK ELEVEN IN THE ORIGINAL TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APPROXIMATELY 0.9 SQUARE FEET.

E4 BUILDING LINE:

A STRIP OF PUBLIC ALLEY LYING NORTH OF AND ADJOINING THE NORTH LINE OF LOT 6 BEGINNING AT THE NORTHEAST CORNER OF LOT 6 LYING 3.50 FEET WEST AND 3.43 FEET NORTH, ALL IN BLOCK ELEVEN IN THE ORIGINAL TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APPROXIMATELY 12.0 SQUARE FEET.

UNDERGROUND ENCROACHMENTS

UE1 BASEMENT EXTENSION:

THE SUBSURFACE AREA EXTENDING BELOW GRADE BENEATH A 12.10 FEET WIDE STRIP OF 6TH AVENUE RIGHT OF WAY LYING EAST OF AND ADJOINING THE EAST LINE OF LOT 5, AND BENEATH A 12.10 FEET WIDE STRIP OF 6TH AVENUE RIGHT OF WAY LYING EAST OF AND ADJOINING THE EAST LINE OF LOT 6 EXCEPT THE NORTHERLY 33.00 FEET THEREOF, ALL IN AND ADJOINING BLOCK ELEVEN IN THE ORIGINAL TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APPROXIMATELY 1210.6 SQUARE FEET.

UE2 BASEMENT EXTENSION:

AN AREA OF MULBERRY STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOT 5, BLOCK ELEVEN, ORIGINAL TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SAID AREA DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE 65 FEET ALONG SAID SOUTH LINE OF LOT 5 TO THE POINT OF BEGINNING; THENCE SOUTH 12.10 FEET ON A LINE THAT IS PERPENDICULAR TO SAID SOUTH LINE OF LOT 5; THENCE EAST AND PARALLEL TO SAID SOUTH LINE OF LOT 5 TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 5; THENCE NORTHEASTERLY ON A CURVE WITH A RADIUS OF 12.10 FEET AND THE CENTER OF SAID RADIUS BEING THE SOUTHEAST CORNER OF SAID LOT 5, TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 5; THENCE WEST ALONG SAID EASTERLY EXTENSION AND CONTINUING ALONG SAID SOUTH LINE OF LOT 5 TO THE POINT OF BEGINNING, CONTAINING APPROXIMATELY 712.3 FEET.

UE3 BASEMENT EXTENSION:

THE SUBSURFACE AREA EXTENDING BELOW GRADE BENEATH A 4.10 FEET WIDE STRIP OF PUBLIC ALLEY LYING NORTH OF AND ADJOINING LOT 6 BEGINNING AT THE NORTHEAST CORNER OF LOT 6 EXTENDING 67.00 FEET WEST ALL IN AND ADJOINING BLOCK ELEVEN IN THE ORIGINAL TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APPROXIMATELY 274.7 SQUARE FEET.

ABOVE GROUND ENCROACHMENTS

AR1 MID LEVEL AND UPPER CORNICE EXTENSION:

THE AIR RIGHTS COMMENCING 18 FEET ABOVE GRADE OVER THE WEST 1.60 FEET OF 6TH AVENUE RIGHT OF WAY LYING EAST OF AND ADJOINING LOT 5 AND LOT 6; AND OVER THE NORTH 1.60 FEET OF MULBERRY STREET

RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 5 EXCEPT THE WEST 73.00 FEET THEREOF; AND OVER THE SOUTH 1.60 FEET OF PUBLIC ALLEY LYING NORTH OF AND ADJOINING LOT 6 EXCEPT THE WEST 112.00 FEET THEREOF, SAID LOTS IN BLOCK ELEVEN IN THE ORIGINAL TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APPROXIMATELY 345.3 SQUARE FEET.

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 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

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. 13-0827), passed by the City Council of said City at a meeting held May 20, 2013 signed by the Mayor on May 20, 2013 and published and provided by

law in the Business Record on June 7, 2013. Authorized by Publication Order No. 8247.

Diane Rauh, City Clerk