

ORDINANCE NO. 15,195

AN ORDINANCE vacating a portion of air space over a segment of 8th Street between Park Street and Pleasant Street.

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:

Sec. 1. That a portion of air space over a segment of 8th Street between Park Street and Pleasant Street, more specifically described as follows, be and is hereby vacated:

ALL OF THE AIR SPACE FOR THAT PART OF 8TH STREET RIGHT-OF-WAY ADJOINING PARCEL D (AS RECORDED IN BOOK 13515 AT PAGE 580) OF PART OF LOTS 1, 2, AND 3 OF KEOSAUQUA WAY PLAT NO. 1, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL D; THENCE SOUTH 89°(DEGREES) 35'(MINUTES) 48"(SECONDS) EAST ALONG THE NORTH LINE OF SAID PARCEL D AND THE WESTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF PARK STREET AS IT IS PRESENTLY ESTABLISHED, A DISTANCE OF 12.12 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 8TH STREET AS IT IS PRESENTLY ESTABLISHED, SAID POINT BEING 91.59 FEET WESTERLY OF THE NORTHEAST CORNER OF LOT 1, IN SAID KEOSAUQUA WAY PLAT NO. 1; THENCE SOUTH 08°56'39" EAST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8TH STREET, A DISTANCE OF 88.27 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 08°56'39" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 8TH STREET, A DISTANCE OF 30.92 FEET; THENCE SOUTH 88°28'08" WEST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8TH STREET, A DISTANCE OF 0.88 FEET; THENCE SOUTH 34°50'12" EAST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8TH STREET, A DISTANCE OF 1.94 FEET; THENCE SOUTH 08°55'46" EAST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8TH STREET, A DISTANCE OF 3.13 FEET; THENCE SOUTH 29°09'17" WEST, A DISTANCE OF 118.91 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID 8TH STREET; THENCE NORTH 08°50'20" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID 8TH STREET, A DISTANCE OF 35.74 FEET; THENCE NORTH 29°09'17" EAST, A DISTANCE OF 118.84 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,615 S.F.) WHICH IS BELOW A PLANE ELEVATION OF 103.50 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 83.48 FEET CITY DATUM. ASSUMED GROUND ELEVATION BEING 61.50 FEET CITY DATUM.

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:

Glenna K. Frank, 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. 13-0936), passed by the City Council of said City at a meeting held June 10, 2013 signed by the Mayor on June 10, 2013 and published and provided by law in the Business Record on June 28, 2013. Authorized by Publication Order No. 8603.

Diane Rauh, City Clerk