

ORDINANCE NO. 15,229

AN ORDINANCE vacating a subsurface portion of City right-of-way within SW 2<sup>nd</sup> Street and Market Street adjoining the property locally known as 101 SW 2<sup>nd</sup> 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 subsurface portion of City right-of-way within SW 2<sup>nd</sup> Street and Market Street adjoining the property locally known as 101 SW 2<sup>nd</sup> Street, more specifically described as follows, be and is hereby vacated:

A SUBSURFACE PORTION OF SW 2ND STREET, AND A SUBSURFACE PORTION OF MARKET STREET, AS LOCATED IN THE PLAT OF FORT DES MOINES, DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL "C" OF THE PLAT OF SURVEY IN BLOCK 36 OF THE PLAT OF FORT DES MOINES, DES MOINES, POLK COUNTY, IOWA, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN BOOK 14447, AT PAGE 391-392 OF THE RECORDS OF THE POLK COUNTY RECORDER'S OFFICE; THENCE N74°15'34"E, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF MARKET STREET, 126.63 FEET; THENCE S15°44'26"E, 3.50 FEET; THENCE S74°15'34"W, ALONG A LINE PARALLEL WITH AND 3.50 FEET NORMALLY DISTANT SOUTHEASTERLY FROM SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 130.16 FEET; THENCE N15°19'18"W, ALONG A LINE PARALLEL WITH AND 3.50 FEET NORMALLY DISTANT SOUTHWESTERLY FROM THE EASTERLY RIGHT-OF-WAY LINE OF SW 2ND STREET, A DISTANCE OF 191.77 FEET; THENCE N74°40'42"E, 3.50 FEET, TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE; THENCE S15°19'18"E, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 188.25 FEET, TO THE POINT OF BEGINNING. SAID SUBSURFACE EASEMENT CONTAINS 1,114 SQUARE FEET (0.03 ACRE), AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

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- 1674), passed by the City Council of said City at a meeting held 21, 2013 signed by the Mayor on October 21, 2013 and published and provided by law in the Business Record on November 8, 2013. Authorized by Publication Order No. 8637.

Diane Rauh, City Clerk