

ORDINANCE NO. 15,245

AN ORDINANCE vacating air space over Grand Avenue and 6th Avenue rights-of-way adjoining 505 6th Avenue, Des Moines, Iowa, and a portion of Grand Avenue and 6th Avenue rights-of-way adjoining 505 6th Avenue, Des Moines, Iowa.

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 air space over Grand Avenue and 6th Avenue rights-of-way adjoining 505 6th Avenue, Des Moines, Iowa, and a portion of Grand Avenue and 6th Avenue rights-of-way adjoining 505 6th Avenue, Des Moines, Iowa, more specifically described as follows, be and is hereby vacated:

AREA 1 – GRAND AVENUE AIR SPACE EASEMENT DESCRIPTION:

ALL OF THE AIR SPACE FOR THAT PART OF GRAND AVENUE RIGHT-OF-WAY LYING ADJACENT TO AND SOUTH OF LOT 1, ALHAMBRA PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 74° 13' 38" EAST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 11.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74° 13' 38" EAST ALONG SAID SOUTH LINE, 119.81 FEET TO THE WEST LINE OF AN EXISTING AIR RIGHTS EASEMENT; THENCE SOUTH 15° 46' 22" EAST ALONG SAID EXISTING LINE AND THE EXTENSION SOUTHERLY THEREOF, 20.22 FEET; THENCE SOUTH 83° 48' 24" WEST, 121.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRES (1,211 S.F.) WHICH IS BELOW A PLANE ELEVATION OF 74.50 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 56.50 FEET CITY DATUM.

AREA 2 – 6TH AVENUE AIR SPACE EASEMENT DESCRIPTION:

ALL OF THE AIR SPACE FOR THAT PART OF 6TH AVENUE RIGHT-OF-WAY LYING ADJACENT TO AND WEST OF LOTS 1 AND 2 AND LYING WEST OF AN EAST - WEST ALLEY LYING BETWEEN SAID LOT 1 AND 2 ALL IN ALHAMBRA PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 06° 11' 36" EAST ALONG THE WEST LINE OF SAID LOT 1 AND SAID ALLEY, 205.43 FEET; THENCE SOUTH 83° 48' 24" WEST, 10.50 FEET; THENCE NORTH 06° 11' 36" WEST,

272.25 FEET; THENCE NORTH 83° 48' 24" EAST, 10.50 FEET TO THE WEST LINE OF SAID LOT 2; THENCE SOUTH 06° 11' 36" EAST ALONG SAID WEST LINE, 66.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.07 ACRES (2859 S.F.) WHICH IS BELOW A PLANE ELEVATION OF 74.50 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 56.50 FEET CITY DATUM.

AREA A – ENCROACHMENT EASEMENT DESCRIPTION

A PART OF 6TH AVENUE RIGHT-OF-WAY LYING ADJACENT TO AND WEST OF LOT 1 AND LOT 2 ALHAMBRA PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 6°(DEGREES) 11'(MINUTES) 36''(SECONDS) WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 87.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 83° 48' 22" WEST, 3.37 FEET; THENCE NORTH 06° 11' 36" WEST, 117.34 FEET; THENCE NORTH 83° 48' 23" EAST, 2.00 FEET; THENCE NORTH 06° 11' 37" WEST, 50.40 FEET; THENCE SOUTH 83° 48' 22" WEST, 1.50 FEET; THENCE NORTH 06° 11' 37" WEST, 9.00 FEET; THENCE NORTH 83° 48' 23" EAST, 2.87 FEET TO THE WEST LINE OF SAID LOT 2; THENCE SOUTH 06° 11' 36" EAST ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 56.45 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE CONTINUING SOUTH 06° 11' 36" EAST ALONG SAID WEST LINE EXTENDED SOUTHEASTERLY AND ALONG SAID WEST LINE OF LOT 1, A DISTANCE OF 120.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 AC (490 S.F.)

AREA B – ENCROACHMENT EASEMENT DESCRIPTION

A PART OF 6TH AVENUE RIGHT-OF-WAY LYING ADJACENT TO AND WEST OF LOT 1 ALHAMBRA PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 6°(DEGREES) 11'(MINUTES) 36''(SECONDS) WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 14.91 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 83° 48' 23" WEST, 3.12 FEET; THENCE NORTH 06° 11' 37" WEST, 9.50 FEET; THENCE NORTH 83° 48' 23" EAST, 3.12 FEET TO SAID WEST LINE; THENCE SOUTH 06° 11' 36" EAST ALONG SAID WEST LINE, 9.50 FEET TO THE POINT OF BEGINNING AND CONTAINING (30 S.F.).

AREA C – ENCROACHMENT EASEMENT DESCRIPTION

A PART OF GRAND AVENUE RIGHT-OF-WAY LYING ADJACENT TO AND SOUTH OF LOT 1 ALHAMBRA PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND

FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 74°(DEGREES) 13'(MINUTES) 38"(SECONDS) EAST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 89.57 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74° 13' 38" EAST ALONG SAID SOUTH LINE, 40.62 FEET; THENCE SOUTH 06° 11' 36" EAST, 11.52 FEET; THENCE SOUTH 83° 48' 24" WEST, 6.00 FEET; THENCE NORTH 06° 11' 36" WEST, 4.76 FEET; THENCE SOUTH 83° 48' 23" WEST, 34.05 FEET TO THE POINT OF BEGINNING AND CONTAINING (164 S.F.)

AREA SUBJECT TO ANY AND ALL EASEMENTS 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. 13-1934), passed by the City Council of said City at a meeting held December 9, 2013 signed by the Mayor on December 9, 2013 and published and provided by law in the Business Record on December 27, 2013. Authorized by Publication Order No. 8753.

Diane Rauh, City Clerk