

ORDINANCE NO. 15,391

AN ORDINANCE vacating the following City-owned right-of-way: A) The north/south alley between Southeast 9th Street and Southeast 10th Street from Raccoon Street to East M.L. King Jr. Parkway. B) Southeast 11th Street from Raccoon Street to East M.L. King Jr. Parkway. C) Southeast 12th Street from the Burlington Northern Santa Fe Railroad to East M.L. King Jr. Parkway. D) The south approximately 50 feet of Allen Street from Southeast 10th Street to the east side of Southeast 11th Street. E) The north/south alley between Southeast 10th Street and Southeast 11th Street from Allen Street to Scott Avenue. F) Southeast 11th Street from Allen Street to a point approximately 112 feet to the south. G) The north/south alley between Southeast 11th Street and Southeast 12th Street from Allen Street to a point approximately 168 feet to the south. H) The north/south alley between Southeast 14th Street and Southeast 14th Court from East M.L. King Jr. to a point approximately 327 feet to the north. I) Southeast 14th Court from East M. L. King Jr. Parkway to a point approximately 330 feet to the north. J) The north/south alley between Southeast 14th Court and Southeast 15th Street from East M. L. King Jr. Parkway to a point approximately 333 feet to the north. K) A portion of SE 15th Street south of East Market Street and north of vacated Raccoon 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 the following City-owned right-of-way: A) The north/south alley between Southeast 9th Street and Southeast 10th Street from Raccoon Street to East M.L. King Jr. Parkway. B) Southeast 11th Street from Raccoon Street to East M.L. King Jr. Parkway. C) Southeast 12th Street from the Burlington Northern Santa Fe Railroad to East M.L. King Jr. Parkway. D) The south approximately 50 feet of Allen Street from Southeast 10th Street to the east side of Southeast 11th Street. E) The north/south alley between Southeast 10th Street and Southeast 11th Street from Allen Street to Scott Avenue. F) Southeast 11th Street from Allen Street to a point approximately 112 feet to the south. G) The north/south alley between Southeast 11th Street and Southeast 12th Street from Allen Street to a point approximately 168 feet to the south. H) The north/south alley between Southeast 14th Street and Southeast 14th Court from East M.L. King Jr. to a point approximately 327 feet to the north. I) Southeast 14th Court from East M. L. King Jr. Parkway to a point approximately 330 feet to the north. J) The north/south alley between Southeast 14th Court and Southeast 15th Street from East M. L. King Jr. Parkway to a point approximately 333 feet to the north. K) A portion of SE 15th Street south of East Market Street and north of vacated Raccoon Street, more specifically described as follows, be and is hereby vacated:

PART A:

A PORTION OF THE NORTH/SOUTH ALLEY ADJOINING LOTS 1, 2, 3, 8, 9 AND 10 OF BLOCK 39, TOWN OF DEMOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 74°47'34" EAST, 20.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE SOUTH 14°50'11" EAST, 149.16 FEET ON THE WEST LINE OF SAID LOTS 8, 9, AND 10; THENCE SOUTH 74°58'37" WEST, 20.00 FEET TO THE EAST LINE OF SAID LOTS 1, 2, AND 3; THENCE NORTH 14°50'11" WEST, 149.09 FEET ON SAID EAST LINE TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES MORE OR LESS;

PART B:

THAT PART OF SOUTHEAST 11TH STREET LYING EAST OF AND ADJOINING LOTS 8 AND 9, OF BLOCK 1, AND LYING WEST OF AND ADJOINING LOTS 2 AND 3, BLOCK 14, BOTH IN ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

REFERRING TO THE NORTHEAST CORNER OF LOT 10, OF SAID BLOCK 1; THENCE SOUTH 14°(DEGREES) 43'(MINUTES) 24"(SECONDS) EAST, 58.53 FEET ON THE EAST LINE OF SAID BLOCK TO THE POINT OF BEGINNING; THENCE NORTH 75°16'36" EAST, 60.35 FEET; THENCE NORTHEASTERLY 19.99 FEET ON A 62.50 FOOT RADIUS CURVE TO THE LEFT WITH A CHORD BEARING OF NORTH 66°06'53" EAST, 19.90 FEET TO THE WEST LINE OF SAID BLOCK 14; THENCE SOUTH 14°43'24" EAST, 92.08 FEET ON SAID WEST LINE; THENCE SOUTH 74°50'43" WEST, 80.00 FEET TO THE EAST LINE OF SAID BLOCK 1; THENCE NORTH 14°43'24" WEST, 89.51 FEET ON SAID EAST LINE TO THE POINT OF BEGINNING CONTAINING 0.16 ACRES MORE OR LESS;

PART C:

THAT PART OF SOUTHEAST 12TH STREET LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, AND LYING EAST OF AND ADJOINING LOTS 9 AND 10, OF BLOCK 14, AND LYING WEST OF BLOCK 22, BOTH IN ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF LOT 10 OF SAID BLOCK 14; THENCE NORTH 14°(DEGREES) 42'(MINUTES) 00"(SECONDS) WEST, 45.68 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE SOUTH 83°22'03" EAST, 85.89 FEET ON SAID LINE; THENCE SOUTH 14°42'00" EAST, 125.06 FEET ON THE WEST LINE OF SAID BLOCK 22 AND ITS NORTHERLY EXTENSION THEREOF; THENCE SOUTHWESTERLY 81.68 FEET ON A 116.17 FOOT RADIUS NON TANGENT CURVE TO THE LEFT WITH A CHORD BEARING OF SOUTH 74°19'39" WEST, 80.01 FEET TO THE EAST LINE OF SAID BLOCK

14; THENCE NORTH 14°42'00" WEST, 111.98 FEET ON SAID LINE TO THE POINT OF BEGINNING, CONTAINING 0.25 ACRES MORE OR LESS;

PART D:

THAT PART OF ALLEN STREET LYING NORTH OF BLOCK 2 ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, AND LYING NORTH OF SOUTHEAST 11TH STREET, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, OF SAID BLOCK 2; THENCE NORTH 14°(DEGREES) 44'(MINUTES) 22"(SECONDS) WEST, 49.72 FEET; THENCE NORTH 74°58'37" EAST, 365.65 FEET; THENCE NORTH 77°32'25" EAST, 14.10 FEET; THENCE SOUTH 14°43'24" EAST, 48.69 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 13, SAID ALLEN'S SECOND ADDITION TO DES MOINES; THENCE SOUTH 74°55'03" WEST, 80.00 FEET TO THE NORTHEAST CORNER OF LOT 10 OF SAID BLOCK 2; THENCE SOUTH 74°54'59" WEST, 299.73 FEET ON THE NORTH LINE OF SAID BLOCK 2 TO THE POINT OF BEGINNING, CONTAINING 0.43 ACRES MORE OR LESS;

PART E:

THE NORTH/SOUTH ALLEY LYING NORTH OF SCOTT STREET (AVENUE), SOUTH OF ALLEN STREET, AND ADJOINING LOTS 1 THRU 5 AND 6 THRU 10 OF BLOCK 2, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING 0.13 ACRES MORE OR LESS;

PART F:

THAT PART OF SOUTHEAST 11TH STREET LYING SOUTH OF ALLEN STREET AND ADJOINING LOTS 1 AND 2 OF BLOCK 13, AND ADJOINING LOTS 9 AND 10, BLOCK 2, ALL IN ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING 0.21 ACRES MORE OR LESS;

PART G:

THAT PART OF THE NORTH/SOUTH ALLEY LYING SOUTH OF ALLEN STREET AND ADJOINING LOTS 1, 2, 3, 8, 9 AND 10, OF BLOCK 13, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING 0.08 ACRES MORE OR LESS;

PART H:

THAT PART OF THE NORTH/SOUTH ALLEY LYING EAST OF AND ADJOINING LOTS 25 THRU 32, AND LYING WEST OF AND ADJOINING LOTS 17 THRU 24, BENNETT PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF

THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 32 THENCE NORTH 89°06'38" EAST, 14.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 17; THENCE SOUTH 00°10'02" EAST, 326.64 FEET ON THE EAST LINE OF SAID ALLEY TO THE SOUTHWEST CORNER OF SAID LOT 24; THENCE NORTH 89°46'39" WEST, 14.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 25; THENCE NORTH 00°10'02" WEST, 326.36 FEET ON THE WEST LINE OF SAID ALLEY TO THE POINT OF BEGINNING, CONTAINING 0.10 ACRES MORE OR LESS;

PART I:

THAT PART OF SOUTHEAST 14TH COURT LYING EAST OF AND ADJOINING LOTS 17 THRU 24, AND LYING WEST OF AND ADJOINING LOTS 9 THRU 16, BENNETT PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 17; THENCE NORTH 89°06'38" EAST, 50.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 16; THENCE SOUTH 00°05'26" EAST, 330.26 FEET ON THE EAST LINE OF SAID SOUTHEAST 14TH COURT TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE NORTH 89°46'39" WEST, 50.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 24; THENCE NORTH 00°05'26" WEST, 329.29 FEET ON THE WEST LINE OF SAID SOUTHEAST 14TH COURT TO THE POINT OF BEGINNING, CONTAINING 0.38 ACRES MORE OR LESS;

PART J:

THAT PART OF THE NORTH/SOUTH ALLEY LYING EAST OF AND ADJOINING LOTS 9 THRU 16, AND LYING WEST OF AND ADJOINING LOTS 1 THRU 8, BENNETT PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 16; THENCE NORTH 89°06'38" EAST, 14.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 00°00'48" EAST, 333.18 FEET ON THE EAST LINE OF SAID ALLEY TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 89°46'39" WEST, 14.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH 00°00'48" WEST, 332.91 FEET ON THE WEST LINE OF SAID ALLEY TO THE POINT OF BEGINNING, CONTAINING 0.11 ACRES MORE OR LESS.

PART K:

THAT PART OF SOUTHEAST 15TH STREET LYING EAST OF AND ADJOINING LOTS 1 AND 2, BENNETT PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

REFERRING TO THE SOUTHEAST CORNER OF LOT 8, SAID BENNETT PLACE; THENCE NORTH 00°03'46" EAST, 264.55 FEET ON THE EAST LINE OF SAID BENNETT PLACE TO THE POINT OF BEGINNING; THENCE CONTINUING ON SAID EAST LINE NORTH 00°03'46" EAST, 59.02 FEET; THENCE NORTH 57°58'31" EAST, 94.42 FEET TO THE EAST RIGHT OF WAY LINE OF SAID SOUTHEAST 15TH STREET; THENCE SOUTH 00°03'46" WEST, 59.02 FEET ON SAID EAST LINE; THENCE SOUTH 57°58'31" WEST, 94.42 FEET TO THE POINT OF BEGINNING, CONTAINING 0.11 ACRES MORE OR LESS.

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.

Sec. 5. This ordinance repeals and replaces Ordinance No. 15,141, as approved on November 5, 2012 by Roll Call No. 12-1730.

FORM APPROVED:

Lisa A. Wieland, 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. 15- 1297), passed by the City Council of said City at a meeting held July 27, 2015 signed by the Mayor on July 27, 2015 and published and provided by law in the Business Record on August 14, 2015. Authorized by Publication Order No. 9310.

Diane Rauh, City Clerk