

ORDINANCE NO. 15,459

AN ORDINANCE vacating portions of 6<sup>th</sup> Avenue and Cherry Street rights-of-way adjoining 110 6<sup>th</sup> 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:

Sec. 1. That portions of 6<sup>th</sup> Avenue and Cherry Street rights-of-way adjoining 110 6<sup>th</sup> Avenue, more specifically described as follows, be and is hereby vacated:

A PART OF THE AIR SPACE FOR THAT PART OF 6TH AVENUE LYING ADJACENT TO BLOCK 10 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT 7 OF SAID BLOCK 10 OF ORIGINAL TOWN OF FORT DES MOINES; THENCE SOUTH 15°25'07" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 10, A DISTANCE OF 102.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74°34'53" EAST, 3.00 FEET; THENCE SOUTH 15°25'07" EAST, 18.00 FEET; THENCE SOUTH 74°34'53" WEST, 3.00 FEET TO SAID EASTERLY LINE; THENCE NORTH 15°25'07" WEST ALONG SAID EASTERLY LINE, 18.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 36 S.F. WHICH IS BELOW A PLANE ELEVATION OF 48.00 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 45.00 FEET CITY DATUM, CURRENT GROUND ELEVATION 31.0 FEET.

AND

A PART OF 6TH AVENUE AND CHERRY STREET RIGHT-OF-WAY LYING ADJACENT TO BLOCK 10 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT 7 OF SAID BLOCK 10 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE SOUTH 15°25'07" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 10, A DISTANCE OF 31.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74°34'53" EAST, 0.60 FEET; THENCE SOUTH 15°25'07" EAST, 136.02 FEET; THENCE SOUTH 74°13'48" WEST, 24.45 FEET; THENCE SOUTH 15°46'12" EAST, 1.09 FEET; THENCE SOUTH 74°13'48" WEST, 3.00 FEET; THENCE NORTH 15°46'12" WEST, 1.90 FEET;

THENCE SOUTH 74°13'48" WEST, 114.75 FEET; THENCE NORTH 15°46'12" WEST, 0.60 FEET TO THE SOUTHERLY LINE OF SAID BLOCK 10; THENCE NORTH 74°13'48" EAST ALONG SAID SOUTHERLY LINE OF BLOCK 10, A DISTANCE OF 141.60 FEET TO THE SOUTHEASTERLY CORNER OF SAID BLOCK 10; THENCE NORTH 15°25'07" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 10, A DISTANCE OF 135.42 FEET TO THE POINT OF BEGINNING AND CONTAINING 172 S.F.

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:

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. 16- 0522), passed by the City Council of said City at a meeting held March 21, 2016 signed by the Mayor on March 21, 2016 and published and provided by law in the Business Record on April 8, 2016. Authorized by Publication Order No. 9540.

Diane Rauh, City Clerk