

ORDINANCE NO. 15,465

AN ORDINANCE vacating sub-surface areas within the 700 block of Grand Avenue and within the 500 block of 7th Street, and of air rights within the 700 block of High Street, all adjoining the block bounded by Grand Avenue and 7th, 8th and High Streets.

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:

Section 1. That the sub-surface areas within the 700 block of Grand Avenue and within the 500 block of 7th Street, and the air rights within the 700 block of High Street, all adjoining the block bounded by Grand Avenue and 7th, 8th and High Streets and more specifically described as follows, be and are hereby vacated:

SUB-SURFACE AREAS

A part of Grand Avenue and 7th Street right-of-way lying adjacent to the southerly and easterly line of Block F, of Grimmel's Addition to the Town of Fort Des Moines, 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 northeast corner of said Block F, Grimmel's Addition to the Town of Fort Des Moines; thence South 15°20'36" East along the East line of said Block F, 189.00 feet to the Point of Beginning; thence North 74°39'24" East, 9.33 feet; thence South 15°20'36" East, 7.14 feet; thence South 74°11'36" West, 173.83 feet; thence North 15°44'14" West, 5.00 feet to the North line of the South 7.0 feet of Lot 4 of said Block F, thence North 74°11'36" East along said North line of the South 7.0 feet of said Lot 4, a distance of 164.53 feet to said East line of Block F; thence North 15°20'36" West along said East line, 2.22 feet to the Point of Beginning, and lying below the public sidewalk (containing 0.02 acres (890 s.f.) more or less).

AND, the West 9.33 feet of the 7th Street right-of-way lying East of and adjoining Block F, of Grimmel's Addition to the Town of Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and lying below the public sidewalk.

## AIR RIGHTS AREA

A part of High Street right-of-way lying adjacent to the northerly line of Block F and lying adjacent to the southerly line of Block G, all of Grimmel's Addition to the Town of Fort Des Moines, 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 northeast corner of Lot 1 of said Block F, Grimmel's Addition to the Town of Fort Des Moines; thence South 74°02'12" West along said northerly line, 126.48 feet to the Point of Beginning; thence continuing South 74°02'12" West along said northerly line, 25.00 feet; thence North 15°24'53" West, 66.00 feet to said southerly line of Block G; thence North 74°02'12" East along said southerly line, 25.00 feet; thence South 15°24'53" East, 66.00 feet to the Point of Beginning, which is below a plane elevation of 103.0 feet City Datum and which is above a plane elevation of 86.0 feet City Datum, current ground elevation at centerline of High Street 47.4 feet (containing 0.04 acres (1650 s.f.) 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 a 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:

Roger K. Brown, 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. 16-0628), passed by the City Council of said City at a meeting held April 11, 2016 signed by the Mayor on April 11, 2016 and published and provided by law in the Business Record on April 29, 2016. Authorized by Publication Order No. 9546.

Diane Rauh, City Clerk