

ORDINANCE NO. 15,494

AN ORDINANCE vacating a portion of West Martin Luther King, Jr. Parkway (former Elm Street) located at the northwest corner of West Martin Luther King, Jr. Parkway west of 16th Street and north of West Martin Luther King, Jr. Parkway.

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 portion of West Martin Luther King, Jr. Parkway (former Elm Street) located at the northwest corner of West Martin Luther King, Jr. Parkway west of 16th Street and north of West Martin Luther King, Jr. Parkway, more specifically described as follows, be and is hereby vacated:

That part of West Martin Luther King Jr. Parkway right-of-way being part of former railroad right-of-way and part of former Market Street right-of-way in the Northeast Quarter of Section 8, Township 78 North, Range 24 West of the 5th P.M., now included in and forming a part of the City of Des Moines, Polk County, Iowa, and being more particularly described as follows:

Commencing at the northeasterly corner of Lot 1 in DICO PLAT NO. 1, an Official Plat in the City of Des Moines, Polk County, Iowa, at the former intersection of the West right-of-way line of SW 17th Street and the North right-of-way line of Market Street, a point on the present northerly right-of-way line of West Martin Luther King Jr. Parkway; thence South 71°(degrees) 19'(minutes) 03"(seconds) East, 24.45 feet (previously recorded as South 71°29'43" East, 24.30 feet) along the present northerly right-of-way line of West Martin Luther King Jr. Parkway to the Point of Beginning; thence North 15°45'44" West, 60.41 feet (previously recorded as North 15°44'12" West, 60.48 feet) along the present northerly right-of-way line of West Martin Luther King Jr. Parkway; thence South 71°33'15" East (previously recorded as South 71°29'44" East), 255.00 feet along the present northerly right-of-way line of West Martin Luther King Jr. Parkway; thence South 72°22'41" West, 100.21 feet; thence North 71°33'15" West, 140.03 feet; thence North 18°26'45" East, 9.04 feet to the point of beginning. Containing 11,500 square feet.

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 of Des Moines hereby further reserves a permanent no-build easement upon, over and within the Property. Except for a surface parking lot and associated improvements, no structure, building or other improvement shall be erected over or within the Property, until all the conditions set forth within such reservation are fully satisfied.

Sec. 4. 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. 5. 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. 16-1255), passed by the City Council of said City at a meeting held July 25, 2016 signed by the Mayor on July 25, 2016 and published and provided by law in the Business Record on August 12, 2016. Authorized by Publication Order No. 9710.

Diane Rauh, City Clerk