

ORDINANCE NO. 15,523

AN ORDINANCE vacating a portion of City right-of-way located at East 18th Street west of Hubbell Avenue and repealing Ordinance No. 15,395.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, by Ordinance No. 15,395, passed August 10, 2015, after notice and public hearing, the City Council intended to vacate a portion of City right-of-way located at East 18th Street west of Hubbell Avenue.

WHEREAS, the legal description in Ordinance No. 15,395 and corresponding easement contained a scrivener's error which must be corrected in order to effectuate the proposed vacation and conveyance to Des Moines Area Regional Transit Authority.

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 City right-of-way located at East 18th Street west of Hubbell Avenue, more specifically described as follows, be and is hereby vacated:

A PART OF THE EAST 18TH STREET RIGHT OF WAY LYING WEST OF HUBBELL AVENUE ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF LOT 1 OF SAID HUBBELL AVENUE ADDITION AND THE NORTH LINE OF THE SOUTHEASTERLY 12 FEET OF SAID LOT 1; THENCE SOUTHWESTERLY ALONG THE SOUTHWESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTHEASTERLY 12 FEET OF SAID LOT 1, A DISTANCE OF 17.3 FEET AND TO THE POINT OF BEGINNING; THENCE SOUTHEAST AND PERPENDICULAR TO THE SOUTHWESTERLY EXTENSION OF SAID LOT 1, A DISTANCE OF 6 FEET; THENCE SOUTHWEST AND PARALLEL TO THE SOUTHWESTERLY EXTENSION OF SAID LOT 1, A DISTANCE OF 14 FEET; THENCE NORTHWEST AND PERPENDICULAR TO THE SOUTHWESTERLY EXTENSION OF SAID LOT 1, A DISTANCE OF 6 FEET; THENCE NORTHEAST ALONG THE SOUTHWESTERLY EXTENSION OF SAID LOT 1, A DISTANCE OF 14 FEET TO THE POINT OF BEGINNING.

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 That Ordinance No. 15,395, passed August 10, 2015, is hereby repealed. This Ordinance shall replace Ordinance No. 15,395.

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. 16-1853), passed by the City Council of said City at a meeting held October 24, 2016 signed by the Mayor on October 24, 2016 and published and provided by law in the Business Record on November 11, 2016. Authorized by Publication Order No. 9802.

Diane Rauh, City Clerk