

ORDINANCE NO. 15,636

AN ORDINANCE vacating a portion of Falcon Drive and north-south alley right-of-way adjoining 1514 Walnut 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 a portion of Falcon Drive and north-south alley right-of-way adjoining 1514 Walnut Street, more specifically described as follows, be and is hereby vacated:

A PART OF NORTH AND SOUTH ALLEY ADJACENT TO LOTS 12, 13, 18 AND 20, OFFICIAL PLAT OF LOTS 1-2-3 & 4 IN BLOCK 42 OF JONATHAN LYON'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT AND A PART OF FALCON DRIVE LYING BETWEEN 15TH STREET AND 16TH STREET, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 8, BLOCK 42, LYON'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT; THENCE NORTH 15°(DEGREES) 50'(MINUTES) 15"(SECONDS) WEST ALONG THE EAST LINE OF SAID BLOCK 42, A DISTANCE OF 150.37 FEET TO THE SOUTHEAST CORNER OF SAID LOT 18; THENCE SOUTH 74°09'41" WEST ALONG THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 84.97 FEET TO THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 190.00 FEET, WHOSE ARC LENGTH IS 32.82 FEET AND WHOSE CHORD BEARS SOUTH 43°56'01" WEST, 32.77 FEET TO A POINT ON THE NORTH LINE OF LOT 7, BLOCK 42 OF SAID LYON'S ADDITION TO FORT DES MOINES; THENCE SOUTH 74°09'41" WEST ALONG THE NORTH LINE OF LOTS 7, 6 AND 5 OF SAID BLOCK 42, LYON'S ADDITION TO FORT DES MOINES, 160.17 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 273.00 FEET, WHOSE ARC LENGTH IS 17.17 FEET AND WHOSE CHORD BEARS NORTH 31°53'47" WEST, 17.17 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 20; THENCE NORTH 74°09'41" EAST ALONG SAID SOUTH LINE, 129.78 FEET TO THE SOUTHEAST CORNER OF SAID LOT 20; THENCE NORTH 15°42'41" WEST ALONG THE EAST LINE OF SAID LOTS 20 AND 12, A DISTANCE OF 13.85 FEET TO A POINT 9.85 FEET NORTH OF THE SOUTH LINE OF SAID LOTS 12 AND 13; THENCE NORTH 74°09'41" EAST ALONG A LINE 9.85 FEET NORTH

OF AND PARALLEL TO THE SOUTH LINE OF SAID LOTS 12 AND 13, A DISTANCE OF 16.50 FEET TO A POINT ON THE WEST LINE OF SAID LOT 13; THENCE SOUTH 15°42'41" EAST ALONG SAID WEST LINE, 13.85 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18; THENCE NORTH 74°09'41" EAST ALONG THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 46.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.07 ACRES (3161 SQ. FT.)

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 and further subject to a no-build easement which prohibits all structures, building, and other improvements, except for surface parking and associated improvements, over or within the Property until such time after all of the following occur: a) Relocation of all utilities by Buyer off the Property at Buyer's sole expense; b) Payment to City by Buyer of \$4,852.00, said amount being the difference between the full Fair Market Value of the Property and the restricted Fair Market Value paid by Buyer; and c) Written release of said no-build restriction by the City.

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. 17- 2186), passed by the City Council of said City at a meeting held December 18, 2017 signed by the Mayor on December 18, 2017 and published and provided by law in the Business Record on January 5, 2018. Authorized by Publication Order No. 10212.

Diane Rauh, City Clerk