

ORDINANCE NO.15,679

AN ORDINANCE vacating subsurface rights in portions of 5th Avenue right-of-way and alley right-of-way, both adjoining 422 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 subsurface rights in portions of 5th Avenue right-of-way and alley right-of-way, both adjoining 422 Walnut Street, more specifically described as follows, be and is hereby vacated:

SUBSURFACE EASEMENT DESCRIPTION:

AREA "A"

ALL OF THE SUBSURFACE SPACE FOR THAT PART OF THE EXISTING 5TH AVENUE RIGHT-OF-WAY LYING ADJACENT TO AND WEST OF BLOCK 21, FORT DES MOINES, AN OFFICIAL PLAT 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 NORTHWEST CORNER OF SAID BLOCK 21; THENCE SOUTH 15°25'01" EAST ALONG THE WEST LINE OF SAID BLOCK 21, A DISTANCE OF 98.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15° 25' 01" EAST, 206.85 FEET; THENCE SOUTH 74° 34' 59" WEST, 2.50 FEET; THENCE NORTH 15° 25' 01" WEST, 206.85 FEET; THENCE NORTH 74° 34' 59" EAST, 2.50 FEET TO THE POINT OF BEGINNING AND CONTAINING APPROXIMATELY 517 S.F.

AREA "B"

ALL OF THE SUBSURFACE SPACE FOR THAT PART OF THE EXISTING ALLEY RIGHT-OF-WAY LYING ADJACENT TO AND EAST OF LOT 5, BLOCK 21 AND ADJACENT TO AND EAST OF THE EAST-WEST VACATED ALLEY RIGHT-OF-WAY NORTH OF SAID LOT 5 OF SAID BLOCK 21, FORT DES MOINES, AN OFFICIAL PLAT 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 SOUTHEAST CORNER OF LOT 6 OF SAID BLOCK 21; THENCE NORTH 15°23'28" WEST ALONG THE EAST LINE OF LOTS 6 AND 5 OF SAID BLOCK 21, A DISTANCE OF 129.03 FEET TO THE

POINT OF BEGINNING; THENCE CONTINUING NORTH 15°23' 28" WEST ALONG SAID EAST LINE AND ALONG THE NORTHERLY EXTENSION OF SAID EAST LINE BEING THE EASTERLY LINE OF SAID VACATED ALLEY RIGHT-OF-WAY NORTH OF SAID LOT 5, A DISTANCE OF 10.00 FEET; THENCE NORTH 74°34' 59" EAST, 2.50 FEET; THENCE SOUTH 15°23' 28" EAST, 10.00 FEET; THENCE SOUTH 74°34' 59" WEST, 2.50 FEET TO THE POINT OF BEGINNING AND CONTAINING APPROXIMATELY 25 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. 18-1115), passed by the City Council of said City at a meeting held June 25, 2018 signed by the Mayor on June 25, 2018 and published and provided by law in the Business Record on July 13, 2018. Authorized by Publication Order No. 10417.

Diane Rauh, City Clerk