

ORDINANCE NO. 15,784

AN ORDINANCE vacating portions of Walnut Street right-of-way and 10th Street right-of-way, all adjoining 1000 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 portions of Walnut Street right-of-way and 10th Street right-of-way, all adjoining 1000 Walnut Street, more specifically described as follows, be and is hereby vacated.

Area 1

All that part of the Walnut Street Right of Way lying north of and abutting Lot 4, West Fort Des Moines, an Official Plat, Des Moines, Polk County, Iowa being more particularly described as follows:

Commencing at the Northeast corner of said Lot 4; thence North 89°22'48" West along the north line of said Lot 4, a distance of 43.29 feet to the Point of Beginning; thence continuing North 89°22'48" West, along the north line of said Lot 4, a distance of 16.00 feet; thence North 00°37'12" East, a distance of 10.00 feet; thence South 89°22'48" East, a distance of 16.00 feet; thence South 00°37'12" West, a distance of 10.00 feet to the Point of Beginning, containing 160 square feet and lying above a elevation plane of 48.00, City Datum, and below a plane elevation of 60.00, City Datum, with the ground elevation being at 39.70, City Datum.

Area 2

All that part of the 10th Street Right of Way lying east of and abutting Lot 4, West Fort Des Moines, an Official Plat, Des Moines, Polk County, Iowa being more particularly described as follows:

Commencing at the Northeast corner of said Lot 4; thence South 01°05'59" West along the east line of said Lot 4, a distance of 29.73 feet to the Point of Beginning; thence South 88°54'01" East, a distance of 10.00 feet; thence South 01°05'59" West, a distance of 35.00 feet; thence North 88°54'01" West, a distance of 10.00 feet to a point on the east line of said Lot 4; thence North 01°05'59" East, a distance of 35.00 feet to the Point of Beginning, containing 350 square feet and lying above a plane elevation of 48.00 and below a plan elevation of 60.00, City Datum, and the ground elevation being at 39.70, City Datum.

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:

Ann DiDonato, 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. 19-1032), passed by the City Council of said City at a meeting held June 24, 2019 signed by the Mayor on June 25, 2019 and published and provided by law in the Business Record on July 12, 2019. Authorized by Publication Order No. 10774.

Diane Rauh, City Clerk