

ORDINANCE NO. 15,839

AN ORDINANCE vacating segments of East 3rd Street, East Walnut Street and alley right-of-way adjoining 304 East 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 segments of East 3rd Street, East Walnut Street and alley right-of-way adjoining 304 East Walnut Street, more specifically described as follows, be and is hereby vacated:

EAST WALNUT EASEMENT:

A RECTANGULAR SHAPED PORTION OF THE E. WALNUT STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 1 THROUGH 6 INCLUSIVE, IN STEWART & HEUGLE'S SUBDIVISION OF LOT 1, BLOCK 1, IN SCOTT & DEAN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, IS DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE S77°54'25"W ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 8.53 FEET TO THE POINT OF BEGINNING; THENCE S17°08'11"E, A DISTANCE OF 0.79 FEET; THENCE S72°51'49"W, A DISTANCE OF 6.00 FEET; THENCE N17°08'11"W, A DISTANCE OF 0.90 FEET; THENCE S77°51'49"W, A DISTANCE OF 26.82 FEET; THENCE S12°00'37"E, A DISTANCE OF 1.26 FEET; THENCE S77°51'49"W, A DISTANCE OF 7.00 FEET; THENCE N12°00'37"W, A DISTANCE OF 1.24 FEET; THENCE S77°51'49"W, A DISTANCE OF 16.62 FEET; THENCE S12°08'11"E, A DISTANCE OF 4.00 FEET; THENCE S77°51'49"W, A DISTANCE OF 24.00 FEET; THENCE N12°08'11"W, A DISTANCE OF 4.00 FEET; THENCE S77°51'49"W, A DISTANCE OF 7.27 FEET; THENCE S12°08'11"E, A DISTANCE OF 4.00 FEET; THENCE S77°51'49"W, A DISTANCE OF 24.00 FEET; THENCE N12°08'11"W, A DISTANCE OF 3.75 FEET; THENCE S77°51'49"W, A DISTANCE OF 9.67 FEET; THENCE N12°08'11"W, A DISTANCE OF 0.75 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE N77°54'25"E ALONG THE SOUTH LINE OF SAID LOTS 1 THROUGH 6 INCLUSIVE, A DISTANCE OF 121.36 FEET TO THE POINT OF BEGINNING. SAID EASEMENT CONTAINS 262 SQUARE FEET.

EAST 3rd STREET EASEMENT:

AN IRREGULAR SHAPED PORTION OF THE E. THIRD STREET RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 1 IN STEWART & HEUGLE'S SUBDIVISION OF LOT 1, BLOCK 1, IN SCOTT & DEAN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, AND WEST OF AND ADJOINING LOT 2 IN BLOCK 1, SCOTT & DEAN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, AND THE INTERVENING ALLEY IN SAID BLOCK 1, ALL IN DES MOINES, POLK COUNTY, IOWA, IS DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N17°14'03"W ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 17.68 FEET TO THE POINT OF BEGINNING; THENCE S72°51'49"W, A DISTANCE OF 2.11 FEET; THENCE N17°08'11"W, A DISTANCE OF 86.92 FEET; THENCE N72°51'49"E, A DISTANCE OF 1.96 FEET; THENCE N17°14'03"W, A DISTANCE OF 22.75 FEET; THENCE S72°51'49"W, A DISTANCE OF 1.17 FEET; THENCE N17°08'11"W, A DISTANCE OF 24.00 FEET; THENCE N72°51'49"E, A DISTANCE OF 1.13 FEET TO THE WEST LINE OF SAID LOT 2; THENCE

S17°14'03"E ALONG THE EAST LINE OF THE E 3RD STREET RIGHT OF WAY AS IT IS PRESENTLY ESTABLISHED, A DISTANCE OF 133.67 FEET TO THE POINT OF BEGINNING. SAID EASEMENT CONTAINS 205 SQUARE FEET.

EAST ALLEY EASEMENT:

AN IRREGULAR SHAPED PORTION OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOT 6 IN STEWART & HEUGLE'S SUBDIVISION OF LOT 1, BLOCK 1, IN SCOTT & DEAN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, AND EAST OF AND ADJOINING LOT 2 IN BLOCK 1, SCOTT & DEAN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, AND THE INTERVENING ALLEY IN SAID BLOCK 1, ALL IN DES MOINES, POLK COUNTY, IOWA, IS DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE N72°49'23"E ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 3.50 FEET; THENCE S17°08'11"E, A DISTANCE OF 5.30 FEET; THENCE S72°51'49"W, A DISTANCE OF 2.00 FEET; THENCE S17°08'11"E, A DISTANCE OF 119.65 FEET; THENCE N72°51'49"E, A DISTANCE OF 1.25 FEET; THENCE S17°08'11"E, A DISTANCE OF 9.00 FEET; THENCE S72°51'49"W, A DISTANCE OF 0.75 FEET; THENCE S17°08'11"E, A DISTANCE OF 41.19 FEET; THENCE S72°51'49"W, A DISTANCE OF 2.00 FEET; THENCE N17°08'11"W ALONG THE EAST LINE OF SAID LOT 6 AND THE EAST LINE OF SAID LOT 2, A DISTANCE OF 175.13 FEET TO THE POINT OF BEGINNING. SAID EASEMENT CONTAINS 305 SQUARE FEET.

NORTH ALLEY EASEMENT:

AN IRREGULAR SHAPED PORTION OF THE EAST/ WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 2 IN BLOCK 1, SCOTT & DEAN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT AND THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 2, ALL IN DES MOINES, POLK COUNTY, IOWA, IS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE N72°49'23"E ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 1.39 FEET TO THE POINT OF BEGINNING; THENCE N17°08'11"W, A DISTANCE OF 1.80 FEET; THENCE N72°51'49"E, A DISTANCE OF 5.00 FEET; THENCE S17°08'11"E, A DISTANCE OF 1.50 FEET; THENCE N72°51'49"E, A DISTANCE OF 121.00 FEET; THENCE N17°08'11"W, A DISTANCE OF 2.50 FEET; THENCE N72°51'49"E, A DISTANCE OF 8.00 FEET; THENCE S17°08'11"E, A DISTANCE OF 2.70 FEET; THENCE S72°49'23"W ALONG THE NORTH LINE OF SAID LOT 2 AND ITS EASTERLY EXTENSION, A DISTANCE OF 134.00 FEET TO THE POINT OF BEGINNING. SAID EASEMENT CONTAINS 61 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. The City of Des Moines hereby reserves necessary easements for all existing utilities in place until such time that they are abandoned or relocated at the applicant's expense.

Sec. 4. The vacation is subject to any development that incorporates the subject right-of-way shall comply with all Site Plan requirements:

Sec. 5. 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. 6. 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, P. Kay Cmelik, 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. 19-1938), passed by the City Council of said City at a meeting held December 2, 2019 signed by the Mayor on December 2, 2019 and published and provided by law in the Business Record on December 20, 2019. Authorized by Publication Order No. 10939.

P. Kay Cmelik, City Clerk