

ORDINANCE NO. 15,885

AN ORDINANCE vacating portions of City right-of-way located at various points along 6th Avenue and University Avenue.

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 City right-of-way located at various points along 6th Avenue and University Avenue, more specifically described as follows, be and is hereby vacated:

6th Avenue, North of Franklin Avenue, East Side

A PART OF VACATED 6TH AVENUE RIGHT OF WAY IN RIVERVIEW PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 16 IN SAID RIVERVIEW PARK, SAID SOUTHWEST CORNER ALSO BEING ON THE EAST RIGHT OF WAY LINE OF 6TH AVENUE; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 34 FEET; THENCE WEST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 8.5 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WEST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 7 FEET; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE EAST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 7 FEET; THENCE SOUTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 336 SQUARE FEET.

6th Avenue, North of Franklin Avenue, West Side

A PART OF VACATED 6TH AVENUE RIGHT OF WAY IN RIVERVIEW PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 16 IN SAID RIVERVIEW PARK; THENCE WEST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 66 FEET TO THE WEST RIGHT OF WAY LINE OF SAID 6TH

AVENUE; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 45 FEET; THENCE EAST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 8.5 FEET TO THE POINT OF BEGINNING; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE EAST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 7 FEET; THENCE SOUTH AND PARALLEL TO SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE WEST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 7 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 336 SQUARE FEET.

6th Avenue, North of Washington Avenue, East Side

A PART OF VACATED 6TH AVENUE RIGHT OF WAY IN THE OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., (ALSO REFERRED TO AS POLK COUNTY HOMESTEAD & TRUST CO'S ADDITION), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 7 IN BLOCK 3 OF SAID OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., SAID SOUTHWEST CORNER ALSO BEING ON THE EAST RIGHT OF WAY LINE OF 6TH AVENUE; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 77 FEET; THENCE WEST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 8.5 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WEST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 7 FEET; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE EAST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 7 FEET; THENCE SOUTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 336 SQUARE FEET.

6th Avenue, North of Washington Avenue, West Side

A PART OF VACATED 6TH AVENUE RIGHT OF WAY IN THE OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., (ALSO REFERRED TO AS POLK COUNTY HOMESTEAD & TRUST CO'S ADDITION), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 6 IN BLOCK 5 OF SAID OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., SAID SOUTHEAST CORNER ALSO BEING ON THE WEST RIGHT OF WAY LINE OF 6TH AVENUE; THENCE NORTH

ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 42 FEET; THENCE EAST AND PARALLEL TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 8.5 FEET TO THE POINT OF BEGINNING; THENCE NORTH AND PARALLEL TO SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE EAST AND PARALLEL TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 7 FEET; THENCE SOUTH AND PARALLEL TO SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE WEST AND PARALLEL TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 7 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 336 SQUARE FEET.

6th Avenue, South of College Avenue, East Side

A PART OF VACATED 6TH AVENUE RIGHT OF WAY IN W.W. FINK'S SUBDIVISION OF LOT 42 OF OFFICIAL PLAT OF SE 1/4 S 34, T79, R24, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF COLLEGE AVENUE AND THE EAST RIGHT OF WAY LINE OF 6TH AVENUE; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 74.5 FEET; THENCE WEST AND PARALLEL TO THE WESTERLY EXTENSION OF SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 8.5 FEET TO THE POINT OF BEGINNING; THENCE SOUTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE WEST AND PARALLEL TO THE WESTERLY EXTENSION OF SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 7 FEET; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE EAST AND PARALLEL TO THE WESTERLY EXTENSION OF SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 7 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 336 SQUARE FEET.

University Avenue, West of 27th Street, North Side

A PART OF VACATED UNIVERSITY AVENUE RIGHT OF WAY IN UNIVERSITY PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 118 IN SAID UNIVERSITY PLACE; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 70 FEET; THENCE SOUTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 3 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 10.5 FEET; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 36 FEET; THENCE NORTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 10.5 FEET; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 36 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 378 SQUARE FEET.

University Avenue, West of 29th Street, North Side

A PART OF VACATED UNIVERSITY AVENUE RIGHT OF WAY IN DRAKE UNIVERSITY'S 1ST ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 25 IN SAID DRAKE UNIVERSITY'S 1ST ADDITION TO UNIVERSITY PLACE; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 3 FEET; THENCE SOUTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 0.5 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 10.5 FEET; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 36 FEET; THENCE NORTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 10.5 FEET; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 36 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 378 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. 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, 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. 20-0663), passed by the City Council of said City at a meeting held on April 20, 2020 signed by the Mayor on April 20, 2020 and published and provided by law in the Business Record on May 8, 2020. Authorized by Publication Order No. 11116.

P. Kay Cmelik, City Clerk