

ORDINANCE NO. 15,887

AN ORDINANCE vacating (1) the north/south alley between 25th Street and 26th Street from University Avenue to point 281 feet to the south; (2) the air rights in a 4-foot by 13-foot segment to the south side of University Avenue, and a 2-foot by 28-foot segment to the east side of 26th Street; and (3) the subsurface rights in the south 2 feet of University Avenue and the east 4 feet of 26th Street, all adjoining 2530 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 (1) the north/south alley between 25th Street and 26th Street from University Avenue to point 281 feet to the south; (2) the air rights in a 4-foot by 13-foot segment to the south side of University Avenue, and a 2-foot by 28-foot segment to the east side of 26th Street; and (3) the subsurface rights in the south 2 feet of University Avenue and the east 4 feet of 26th Street, all adjoining 2530 University Avenue, more specifically described as follows, be and is hereby vacated:

Alley

THE NORTH/SOUTH ALLEY LYING EAST OF AND ADJOINING LOTS 38-44 EXCEPT THE NORTH 7.00 FEET OF SAID NORTH/SOUTH ALLEY, DRAKE UNIVERSITY'S SECOND ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 0.12 ACRES (5,259 S.F.).

Air Rights

AREA "A"

A PART OF THE UNIVERSITY AVENUE RIGHT-OF-WAY, BEING THE EAST 13.00 FEET OF THE WEST 44.00 FEET OF THE SOUTH 4.00 FEET OF THE NORTH 7.00 FEET OF LOT 44 AND BEING A PART OF DRAKE UNIVERSITY'S SECOND ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND LYING BETWEEN ELEVATIONS 197.75 AND 226.35 FEET CITY OF DES MOINES VERTICAL DATUM (REFERENCE GROUND ELEVATION OF 186.25 FEET AT BUILDING ENTRANCE ON UNIVERSITY AVENUE), AND CONTAINING 52 SQUARE FEET.

AND

AREA "B"

A PART OF THE 26TH STREET RIGHT-OF-WAY, BEING A PART OF THE SUBDIVISION OF LOTS 2 AND 4 OF THE OFFICIAL PLAT OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALSO BEING THE EAST 2.00 FEET LYING ADJACENT TO THE SOUTH 28.00 FEET OF LOT 43, DRAKE UNIVERSITY'S SECOND ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND LYING BETWEEN ELEVATIONS 198.55 AND 200.55 FEET CITY OF DES MOINES DATUM (REFERENCE GROUND ELEVATION OF 186.25 FEET AT BUILDING ENTRANCE ON 26TH STREET), AND CONTAINING 56 SQUARE FEET.

Subsurface Rights

A PART OF THE UNIVERSITY AVENUE RIGHT-OF-WAY, BEING THE SOUTH 2.00 FEET OF THE NORTH 7.00 FEET OF LOT 44, DRAKE UNIVERSITY'S SECOND ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, AND A PART OF THE VACATED 26TH STREET RIGHT-OF-WAY, BEING A PART OF THE SUBDIVISION OF LOTS 2 AND 4 OF THE OFFICIAL PLAT OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALSO BEING THE EASTERLY 4.00 FEET LYING WESTERLY OF LOT 43 AND LOT 44 OF SAID DRAKE UNIVERSITY'S SECOND ADDITION, EXCEPT THE NORTH 5.00 FEET THEREOF, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 0.01 ACRES (619 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

Ordinance No. 15,887 cont'd

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. 20-0669), 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. 11118.

P. Kay Cmelik, City Clerk