

ORDINANCE NO. 15,893

AN ORDINANCE vacating portions of 24th Street and University Avenue right-of-way adjoining 2331 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 24th Street and University Avenue right-of-way adjoining 2331 University Avenue, more specifically described as follows, be and is hereby vacated:

AIR RIGHTS ENCROACHMENT

Area #1

That part of Vacated University Avenue right-of-way lying South of and adjoining the West 84.25 feet of Lot 34 in University Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southeast corner of said West 84.25 feet of Lot 34; thence South 89°(degrees) 33'(minutes) 45"(seconds) West (bearing assumed to match that Retracement Survey recorded in Book 17270 at Page 143 in the Office of the Polk County Recorder), 40.51 feet along the South line of said Lot 34 to the Point of Beginning; thence South 00°26'15" East, 7.50 feet; thence South 89°33'45" West, 5.00 feet; thence North 00°26'15" West, 7.50 feet to the South line of said Lot 34; thence North 89°33'45" East, 5.00 feet to the point of beginning.

Lying between elevations 183.76 feet and 189.76 feet, City of Des Moines Vertical Datum (reference ground level elevation of 174.26 feet, City of Des Moines Vertical Datum). Horizontally containing 37.50 square feet.

Area #2

That part of Vacated University Avenue right-of-way lying South of and adjoining the West 84.25 feet of Lot 34 in University Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southeast corner of said West 84.25 feet of Lot 34; thence South 89°(degrees) 33'(minutes) 45"(seconds) West (bearing assumed to match that Retracement Survey recorded in Book 17270 at Page 143 in the Office of the Polk County Recorder), 79.15 feet along the South line of said Lot 34 to the Point of Beginning; thence South 00°26'15" East, 7.50 feet; thence South 89°33'45" West, 5.00 feet; thence North 00°26'15"

West, 7.50 feet to the South line of said Lot 34; thence North 89°33'45" East, 5.00 feet to the point of beginning.

Lying between elevations 183.76 feet and 189.76 feet, City of Des Moines Vertical Datum (reference ground level elevation of 174.26 feet, City of Des Moines Vertical Datum). Horizontally containing 37.50 square feet.

DOOR SWING EASEMENT

That part of Vacated University Avenue right-of-way lying South of and adjoining the West 84.25 feet of Lot 34 in University Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southwest corner of said Lot 34; thence North 89°(degrees) 33'(minutes) 45"(seconds) East (bearing assumed to match that Retracement Survey recorded in Book 17270 at Page 143 in the Office of the Polk County Recorder), 38.90 feet along the South line of said Lot 34; thence South 00°01'16" West, 0.36 feet to the Point of Beginning; thence South 89°58'44" East, 3.50 feet; thence South 00°01'16" West, 3.00 feet; thence North 89°58'44" West, 3.50 feet; thence North 00°01'16" East, 3.00 feet to the point of beginning. Containing 10.50 square feet.

SURFACE EASEMENT

24th Street

That part of Vacated 24th Street right-of-way lying West of and adjoining the West 84.25 feet of Lots 33 and 34 in University Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southwest corner of said Lot 34; thence North 00°(degrees) 15'(minutes) 47"(seconds) East (bearing assumed to match that Retracement Survey recorded in Book 17270 at Page 143 in the Office of the Polk County Recorder), 24.39 feet along the West line of said Lot 34 to the Point of Beginning; thence North 00°01'56" East, 46.77 feet; thence South 89°44'13" East, 0.19 feet to the West line of said Lot 33; thence South 00°15'47" West, 46.77 feet along the West lines of said Lots 33 and 34 to the point of beginning. Containing 4.41 square feet.

University Avenue

That part of Vacated University Avenue right-of-way lying South of and adjoining the West 84.25 feet of Lot 34 in University Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 34; thence North 89°(degrees) 33'(minutes) 45"(seconds) East (bearing assumed to match that Retracement Survey recorded in Book 17270 at Page 143 in the Office of the Polk County Recorder), 43.73 feet along the South line of said Lot 34; thence South 00°26'15" East, 0.40 feet; thence North 89°58'44" West,

43.74 feet; thence North 00°15'47" East, 0.05 feet to the point of beginning. Containing 9.84 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. 20-0791), passed by the City Council of said City at a meeting held on May 4 2020 signed by the Mayor on May 4, 2020 and published and provided by law in the Business Record on May 22, 2020. Authorized by Publication Order No. 11143.

P. Kay Cmelik, City Clerk