

ORDINANCE NO.16,037

AN ORDINANCE vacating segments of street and alley right-of-way in the vicinity of Southeast Astor Street and Shaw Street, and in the vicinity of Southeast 16th Street and Vale 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 street and alley right-of-way in the vicinity of Southeast Astor Street and Shaw Street, and in the vicinity of Southeast 16th Street and Vale Street, more specifically described as follows, be and is hereby vacated:

Area A – North of Maury Street

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAYS IN BLOCKS 2, 3, 5 AND 6,
AND

ALL OF THE SOUTHEAST ASTOR STREET RIGHT OF WAY LYING WEST OF AND
ADJOINING SAID BLOCK 6,
AND

ALL OF THE SOUTHEAST ASTOR STREET RIGHT OF WAY LYING NORTH OF THE
WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 8 IN SAID BLOCK 3 AND LYING
SOUTH OF THE NORTHWESTERLY EXTENSION OF THE NORTH LINE OF LOT 1 IN
SAID BLOCK 3,
AND

ALL OF THE SHAW STREET RIGHT OF WAY LYING EAST OF THE SOUTHERLY
EXTENSION OF THE WEST RIGHT OF WAY LINE OF THE NORTH/SOUTH ALLEY IN
SAID BLOCK 2 AND LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST
LINE OF SAID BLOCK 3,

ALL IN HAWTHORN GROVE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND
FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND
CONTAINING APPROXIMATELY 1.46 ACRES (63,766 SQUARE FEET).

Area B – South of Maury Street

ALL OF THE VALE STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS
19 THROUGH 36,
AND

ALL OF THE SOUTHEAST 16TH STREET RIGHT OF WAY LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 18 AND LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 54, ALL IN GRAY'S SUBDIVISION OF BLOCK 61, BROOKS AND CO'S ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1.62 ACRES (70,751 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. This vacation is subject to an access easement for fence maintenance purposes over the portion of north-south alley right-of-way adjoining 1520 Maury Street, and adjoining 609, 613 and 627 Southeast 15th Court, which benefited property is legally described as follows:

LOTS 1, 2, 4, AND 8 IN BLOCK 2, AND LOTS 1 THROUGH 10 IN BLOCK 5, HAWTHORN GROVE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

Said access easement for fence maintenance purposes shall run with the land and benefit successors and assigns of the above-described benefited property. Said access easement for fence maintenance purposes shall automatically terminate in the event the existing fencing located therein ceases to exist for any reason in the future:

Sec. 4. 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. 5. 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

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. 21-1358), passed by the City Council of said City at the meeting held on August 23, 2021 and signed by the Mayor on August 23, 2021 and published and provided by law in the Business Record on September 10, 2021. Authorized by Publication Order No. 11632.

P. Kay Cmelik, City Clerk