

ORDINANCE NO. 16,178

AN ORDINANCE permanently vacating various segments of right-of-way in the vicinity of the 100 block of Southeast 15<sup>th</sup> Street, between Southeast 14<sup>th</sup> Street and Southeast 18<sup>th</sup> Street, and between East Court Avenue on the north and the Iowa Interstate Railway on the south.

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 various segments of right-of-way in the vicinity of the 100 block of Southeast 15<sup>th</sup> Street, between Southeast 14<sup>th</sup> Street and Southeast 18<sup>th</sup> Street, and between East Court Avenue on the north and the Iowa Interstate Railway on the south, more specifically described as follows, be and is hereby vacated:

JOHNSON COURT VACATION DESCRIPTION:

ALL THAT PART OF THE JOHNSON COURT PUBLIC RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 56 IN THE O.P. OF THE WEST ONE-HALF OF LOT 31 IN BROOKS & CO'S ADDITION, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA. SAID TRACT OF LAND LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 56 AND NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 56. SAID TRACT OF LAND CONTAINS 710 SQUARE FEET.

SE. 14th COURT VACATION DESCRIPTION:

ALL THAT PART OF THE SE. 14th COURT PUBLIC RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOTS 11, 12, 13 AND 14 IN REES'S SUBDIVISION OF LOT 30 BROOKS & CO'S ADDITION. SAID TRACT OF LAND LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 14 AND NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 11. SAID TRACT OF LAND CONTAINS 9,970 SQUARE FEET.

SE. 15th STREET VACATION DESCRIPTION:

ALL THAT PART OF THE SE. 15th STREET PUBLIC RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 9 IN BRANDT & JACOB'S SUBDIVISION, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA. SAID TRACT OF LAND LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 9 AND NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IS IT PRESENTLY ESTABLISHED. SAID PUBLIC ROAD RIGHT-OF-

WAY BEING EXTENDED SOUTH TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD. SAID TRACT OF LAND CONTAINS 10,060 SQUARE FEET.

AND

ALL THAT PART OF SE 15<sup>TH</sup> STREET RIGHT OF WAY LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 7 IN D.REE'S SUBDIVISION OF LOT 30 OF BROOKS AND CO'S ADDITION, AN OFFICIAL PLAT, AND LYING NORTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 9 IN BRANDT & JACOBS' SUBDIVISION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 4,800 SQUARE FEET.

SE. 15th COURT VACATION DESCRIPTION:

ALL THAT PART OF THE SE. 15th COURT PUBLIC RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 9 IN BRANDT & JACOB'S SUBDIVISION, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA. SAID TRACT OF LAND LYING SOUTH OF A LINE BETWEEN THE NORTHEAST CORNER OF SAID LOT 9 AND THE NORTHWEST CORNER OF LOT 10 IN SAID BRANDT & JACOB'S SUBDIVISION. SAID TRACT OF LAND CONTAINS 2,940 SQUARE FEET.

AND

ALL THAT PART OF SE 15<sup>TH</sup> COURT RIGHT OF WAY LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 6 IN BRANDT & JACOBS' SUBDIVISION, AN OFFICIAL PLAT, AND LYING NORTH OF A LINE RUNNING BETWEEN THE NORTHEAST CORNER OF LOT 9 IN SAID BRANDT & JACOBS' SUBDIVISION AND THE NORTHWEST CORNER OF LOT 10 IN SAID BRANDT & JACOBS' SUBDIVISION, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 7,293 SQUARE FEET.

SE. ASTOR STREET VACATION DESCRIPTION:

ALL THAT PART OF THE SE. ASTOR STREET PUBLIC ROAD RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOTS 9 AND 10 IN THE O. P. OF BLOCK 28 AND PART OF LOT 27 IN BROOK'S & CO'S ADDITION, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA. SAID TRACT OF LAND LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 9 AND NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED. SAID PUBLIC ROAD RIGHT-OF-WAY BEING EXTENDED SOUTH TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD. SAID TRACT OF LAND CONTAINS 16,310 SQUARE FEET.

SE. 16th STREET VACATION DESCRIPTION:

ALL THAT PART OF THE SE 16th STREET PUBLIC ROAD RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOTS 9 AND 10 IN THE SOUTH PART OF LOT 27 IN BROOK'S & CO'S ADDITION, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA. SAID TRACT OF LAND LYING SOUTH OF A LINE BETWEEN THE NORTHWEST CORNER OF SAID LOT 9 IN SAID PART OF LOT 27 IN BROOK'S & CO'S ADDITION AND THE NORTHEAST CORNER OF LOT 12 IN THE O. P. OF BLOCK 28 AND PART OF LOT 27 IN BROOK'S & CO'S ADDITION, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, AND NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED. SAID PUBLIC ROAD RIGHT-OF-WAY BEING EXTENDED SOUTH TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD. SAID TRACT OF LAND CONTAINS 14,045 SQUARE FEET.

SE. 16th COURT VACATION DESCRIPTION:

ALL THAT PART OF THE SE 16th COURT PUBLIC ROAD RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOTS 7 AND 11 IN THE SOUTH PART OF LOT 27 IN BROOK'S & CO'S ADDITION, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA. SAID TRACT OF LAND LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 7 AND NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED. SAID PUBLIC ROAD RIGHT-OF-WAY BEING EXTENDED SOUTH TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD. SAID TRACT OF LAND CONTAINS 9,585 SQUARE FEET.

BLOCK 1, I. N. THOMAS SUBDIVISION ALLEY VACATION DESCRIPTION:

ALL THAT PART OF THE EAST-WEST PUBLIC ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 12 THRU 16 INCLUSIVE IN BLOCK 1, I. N. THOMAS SUBDIVISION, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA. SAID TRACT OF LAND LYING WEST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 16 AND EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF SE. 16th COURT AS IT IS PRESENTLY ESTABLISHED. SAID TRACT OF LAND CONTAINS 5,120 SQUARE FEET.

EAST VINE STREET VACATION DESCRIPTION: (PARCEL 2019-115)

AN IRREGULAR SHAPED PORTION OF EAST VINE STREET LYING EAST OF EAST 16th COURT AND WEST OF EAST 18th STREET AS THEY ARE PRESENTLY ESTABLISHED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA DESCRIBED AS;

BEGINNING AT THE SOUTHEAST CORNER OF LOT 22 IN I. N. THOMAS SUBDIVISION, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA; THENCE S67°22'40"W, A DISTANCE OF 208.66 FEET TO THE NORTHEAST CORNER OF PARCEL 2018-130 AS SHOWN IN BOOK 17105 AT PAGE 817 IN THE OFFICE OF THE

POLK COUNTY RECORDER; THENCE S89°55'20"W ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID VACATED EAST VINE STREET AND ALONG THE NORTH LINE OF SAID PARCEL 2018-130, A DISTANCE OF 511.30 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 2018-130 AND TO THE EAST RIGHT-OF-WAY LINE OF SAID EAST 16th COURT; THENCE N00°22'30"W ALONG THE EAST RIGHT-OF-WAY LINE OF SAID EAST 16th COURT, A DISTANCE OF 80.00 FEET TO THE SOUTHWEST CORNER OF LOT 12 BLOCK 1 IN SAID I. N. THOMAS SUBDIVISION; THENCE N89°55'20"E ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID VACATED EAST VINE STREET AND ALONG THE SOUTH LINE OF LOTS 12 THRU 22 IN SAID BLOCK 1, INCLUSIVE, A DISTANCE 704.43 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 48,620 SQUARE FEET (1.16 ACRES)

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: Mackenzie L. Moreno, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, Laura Baumgartner, 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. 22-1557), passed by the City Council of said City at the meeting held on October 3, 2022 and signed by the Mayor on October 3, 2022 and published and provided by law in the Business Record on October 21, 2022 Authorized by Publication Order No. 12067.

Laura Baumgartner, City Clerk