

ORDINANCE NO. 16,308

AN ORDINANCE vacating air and surface rights-of-way within Southwest 7th Street adjoining 106 Southwest 7th 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 a portion of air and surface rights-of-way within Southwest 7th Street adjoining 106 Southwest 7th Street, more specifically described as follows, be and is hereby vacated:

AIR RIGHTS

A PART OF THE VACATED SW 7TH STREET PUBLIC RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO LOTS 7 AND 8, BLOCK 5, ORIGINAL TOWN OF FORT DES MOINES, AN OFFICIAL PLAT RECORDED IN BOOK 'A', PAGE 3 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE NE CORNER OF SAID LOT 8; THENCE S15°38'13"E, 78.00 FEET ALONG THE EAST LINE OF SAID LOTS 7 & 8, SAID EAST LINE COINCIDES WITH THE WEST RIGHT-OF-WAY LINE OF SW 7TH STREET AS IT IS PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING; THENCE N74°21'47"E, 6.00 FEET TO A POINT THAT IS 6.00 FEET EAST OF SAID WEST RIGHT-OF-WAY; THENCE S15°38'13"E, 24.00 FEET ALONG A LINE THAT IS 6.00 FEET EAST OF AND PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE TO A POINT; THENCE S74°21'47"W, 6.00 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF SW 7TH STREET AND SAID EAST LINE OF LOT 7; THENCE N15°38'13"W, 24.00 FEET ALONG SAID WEST RIGHT-OF-WAY LINE AND SAID EAST LINE OF LOT 7 TO THE POINT OF BEGINNING AND CONTAINING 144 SQUARE FEET MORE OR LESS.

THE PREVIOUS DESCRIPTION IS RESTRICTED BETWEEN THE FOLLOWING ELEVATIONS:

BOTTOM OF EASEMENT = 54.32 FEET

TOP OF EASEMENT = 69.32 FEET

A REFERENCE ELEVATION OF THE FIRST FLOOR OF 28.32 FEET AND A GROUND ELEVATION OF 26.30 FEET.

SURFACE RIGHTS

A PART OF THE SW 7TH STREET PUBLIC RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO LOTS 7 AND 8, BLOCK 5, ORIGINAL TOWN OF FORT DES MOINES, AN OFFICIAL PLAT RECORDED IN BOOK 'A', PAGE 3 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NE CORNER OF SAID LOT 8; THENCE S15°38'13"E, 84.00 FEET ALONG THE EAST LINE OF SAID LOTS 7 & 8, SAID EAST LINE COINCIDES WITH THE WEST RIGHT-OF-WAY LINE OF SW 7TH STREET AS IT IS PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING; THENCE N74°21'47"E, 5.00 FEET TO A POINT THAT IS 5.00 FEET EAST OF SAID WEST RIGHT-OF-WAY; THENCE S15°38'13"E, 8.00 FEET ALONG A LINE THAT IS 5.00 FEET EAST OF AND PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE TO A POINT; THENCE S74°21'47"W, 5.00 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF SW 7TH STREET AND SAID EAST LINE OF LOT 7; THENCE N15°38'13"W, 8.00 FEET ALONG SAID WEST RIGHT-OF-WAY LINE AND SAID EAST LINE OF LOT 7 TO THE POINT OF BEGINNING AND CONTAINING 40 SQUARE FEET MORE OR LESS.

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: Chas M. Cahill, Assistant City Attorney

Connie Boesen, Mayor Pro Tem

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. 23-1713), passed by the City Council of said City at the meeting held on December 4, 2023 and signed by the Mayor on December 4, 2023 and published and provided by law in the Business Record on December 22, 2023. Authorized by Publication Order No. 12533.

Laura Baumgartner, City Clerk