

ORDINANCE NO. 16,319

AN ORDINANCE vacating 26 square feet of surface right-of-way and 542 square feet of air right-of-way in the vicinity of adjoining properties at 3614 6th 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 the 26 square feet of surface right-of-way and 542 square feet of air right-of-way in the vicinity of adjoining properties at 3614 6th Avenue, more specifically described as follows, be and is hereby vacated:

AIR RIGHTS

PART OF 6TH AVENUE RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 1 IN BLOCK 2 OF OAK PARK, 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 NORTHEAST CORNER OF SAID LOT 1 IN BLOCK 2 OF OAK PARK; THENCE SOUTH 00°(DEGREES) 05'(MINUTES) 05"(SECONDS) EAST (BEARING ASSUMED FOR THE PURPOSE OF THIS DESCRIPTION ONLY), 45.52 FEET ALONG THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING; THENCE NORTH 89°54'55" EAST, 8.63 FEET; THENCE SOUTH 00°05'05" EAST, 62.85 FEET; THENCE SOUTH 89°54'55" WEST, 8.63 FEET TO THE EAST LINE OF SAID LOT 1; THENCE NORTH 00°05'05" WEST, 62.85 FEET ALONG THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 126.50 AND 133.50 FEET, CITY OF DES MOINES DATUM (REFERENCE GROUND LEVEL ELEVATION OF 117.57 FEET, CITY OF DES MOINES DATUM, AT THE SOUTHEAST CORNER OF ABOVE-DESCRIBED LOCATION). HORIZONTALLY CONTAINING 542 SQUARE FEET.

SURFACE RIGHTS

PART OF 6TH AVENUE RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 1 IN BLOCK 2 OF OAK PARK, 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 NORTHEAST CORNER OF SAID LOT 1 IN BLOCK 2 OF OAK PARK; THENCE SOUTH 00°(DEGREES) 05'(MINUTES) 05"(SECONDS) EAST (BEARING ASSUMED FOR THE PURPOSE OF THIS DESCRIPTION ONLY), 45.52 FEET ALONG THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING;

THENCE NORTH 89°54'55" EAST, 0.41 FEET; THENCE SOUTH 00°05'05" EAST, 62.41 FEET; THENCE SOUTH 89°54'55" WEST, 0.41 FEET TO THE EAST LINE OF SAID LOT 1; THENCE NORTH 00°05'05" WEST, 62.41 FEET ALONG THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.

CONTAINING 26 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: Mackenzie L. Moreno, Assistant City Attorney

Connie Boesen, 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. 24-0132), passed by the City Council of said City at the meeting held on January 22, 2024 and signed by the Mayor on January 22, 2024 and published and provided by law in the Business Record on February 9, 2024. Authorized by Publication Order No. 12544.

Laura Baumgartner, City Clerk