

ORDINANCE NO. 16,320

AN ORDINANCE vacating subsurface rights within a portion of 6th Avenue right-of-way located east of and adjoining 1716 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 subsurface rights within a portion of 6th Avenue right-of-way located east of and adjoining 1716 6th Avenue, more specifically described as follows, be and is hereby vacated:

A VACATION OF PART OF THE 6TH AVENUE PUBLIC RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO LOTS 2 THROUGH 5, BLOCK 5 OF THE OFFICIAL PLAT OF THE SW1/4 NE1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (ALSO KNOWN AS POLK COUNTY HOMESTEAD AND TRUST COMPANY ADDITION), AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF SAID LOT 5; THENCE N00°03'43"W, 199.97 FEET ALONG THE EAST LINE OF SAID LOTS 2 THROUGH 5, SAID EAST LINE COINCIDES WITH THE WEST RIGHT-OF-WAY LINE OF 6TH AVENUE AS IT IS PRESENTLY ESTABLISHED, TO THE NE CORNER OF SAID LOT 2; THENCE N89°56'17"E, 2.50 FEET TO A POINT THAT IS 2.50 FEET EAST OF SAID WEST RIGHT-OF-WAY LINE; THENCE S00°03'43"E, 199.97 FEET ALONG A LINE THAT IS 2.50 FEET EAST OF AND PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE TO A POINT; THENCE S89°56'17"W, 2.50 FEET TO THE POINT OF BEGINNING CONTAINING 500 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: 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. 24-0135), 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. 12563.

Laura Baumgartner, City Clerk