

ORDINANCE NO. 16,335

AN ORDINANCE vacating the air, surface and subsurface rights within portions of University Avenue, 22<sup>nd</sup> Street, and alley right-of-way adjoining 2211 University 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 air, surface and subsurface rights within portions of University Avenue, 22<sup>nd</sup> Street, and alley right-of-way adjoining 2211 University Avenue, more specifically described as follows, be and is hereby vacated:

AIR RIGHTS

A VACATION OF PART OF THE UNIVERSITY AVENUE PUBLIC RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO LOT 363, UNIVERSITY LAND COMPANY'S SECOND ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT RECORDED IN BOOK 'C', PAGE 48 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 SE CORNER OF SAID LOT 363; THENCE N89°41'10"W, 12.00 FEET ALONG THE SOUTH LINE OF SAID LOT 363, SAID SOUTH LINE COINCIDES WITH THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE AS IT IS PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING; THENCE S00°18'50"W, 5.00 FEET TO A POINT THAT IS 5.00 FEET SOUTH OF SAID NORTH RIGHT-OF-WAY LINE; THENCE N89°41'10"W, 12.00 FEET ALONG A LINE THAT IS 5.00 FEET SOUTH OF AND PARALLEL WITH SAID NORTH RIGHT-OF-WAY LINE TO A POINT; THENCE N00°18'50"E, 5.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 363; THENCE S89°39'51"E, 12.00 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING AND CONTAINING 60 SQUARE FEET MORE OR LESS.

THE PREVIOUS DESCRIPTION IS RESTRICTED BETWEEN THE FOLLOWING ELEVATIONS:

BOTTOM OF EASEMENT = 181.14

TOP OF EASEMENT = 185.14

A REFERENCE ELEVATION OF THE FIRST FLOOR OF 170.14 FEET AND A GROUND ELEVATION OF 169.93 FEET.

SURFACE RIGHTS – 22<sup>nd</sup> STREET

A VACATION OF PART OF THE 22ND STREET PUBLIC RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO LOT 363, UNIVERSITY LAND COMPANY'S SECOND ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT RECORDED IN BOOK 'C', PAGE 48 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 SE CORNER OF SAID LOT 363; THENCE N00°11'14"W, 42.00 FEET ALONG THE EAST LINE OF SAID LOT 363, SAID EAST LINE COINCIDES WITH THE WEST RIGHT-OF-WAY LINE OF 22ND STREET AS IT IS PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING; THENCE CONTINUING N00°11'14"E, 6.00 FEET TO A POINT; THENCE N89°48'46"E, 4.00 FEET TO A POINT THAT IS 4.00 FEET EAST OF SAID WEST RIGHT-OF-WAY LINE; THENCE S00°11'14"E, 6.00 FEET ALONG A LINE THAT IS 4.00 FEET EAST OF AND PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE TO A POINT; THENCE S89°48'46"W, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 24 SQUARE FEET MORE OR LESS.

AND,

SURFACE RIGHTS - ALLEY

A VACATION OF PART OF THE PUBLIC ALLEY RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO THE WEST LINE OF LOT 365, UNIVERSITY LAND COMPANY'S SECOND ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT RECORDED IN BOOK 'C', PAGE 48 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 NW CORNER OF SAID LOT 365; THENCE S00°07'57"E, 6.00 FEET ALONG THE WEST LINE OF SAID LOT 365 TO THE POINT OF BEGINNING; THENCE CONTINUING S00°07'57"E, 18.00 FEET ALONG SAID WEST LINE TO A POINT; THENCE S89°52'03"W, 5.00 FEET TO A POINT THAT IS 5.00 FEET WEST OF THE WEST LINE OF SAID LOT 365; THENCE N00°07'57"W, 18.00 FEET ALONG A LINE THAT IS 5.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 365 TO A POINT; THENCE N89°52'03"E, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 90 SQUARE FEET MORE OR LESS.

SUBSURFACE RIGHTS

A VACATION OF PART OF THE 22ND STREET PUBLIC RIGHT-OF-WAY, A PART OF THE UNIVERSITY AVENUE PUBLIC RIGHT-OF-WAY, AND A PART OF THE PUBLIC ALLEY RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO LOTS 363 AND 364, UNIVERSITY LAND COMPANY'S SECOND ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT RECORDED IN BOOK 'C', PAGE 48 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF SAID LOT 363; THENCE N00°11'14"W, 60.26 FEET ALONG THE EAST LINE OF LOTS 363 AND 364 IN SAID

UNIVERSITY LAND COMPANY'S SECOND ADDITION TO UNIVERSITY PLACE, SAID EAST LINE COINCIDES WITH THE WEST RIGHT-OF-WAY LINE OF 22ND STREET AS IT IS PRESENTLY ESTABLISHED, TO A POINT; THENCE N89°48'46"E, 6.00 FEET TO A POINT THAT IS 6.00 FEET EAST OF SAID WEST RIGHT-OF-WAY; THENCE S00°11'14"E, 66.31 FEET ALONG A LINE THAT IS 6.00 FEET EAST OF AND PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE TO A POINT THAT IS 6.00 FEET SOUTH OF THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE N89°41'10"W, 173.34 FEET ALONG A LINE THAT IS 6.00 FEET SOUTH OF AND PARALLEL TO SAID NORTH RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE TO A POINT THAT IS 6.00 FEET WEST OF THE WEST LINE OF SAID LOT 363; THENCE N00°07'57"W, 63.95 FEET ALONG A LINE THAT IS 6.00 FEET WEST OF THE WEST LINE OF SAID LOT 363 TO A POINT; THENCE N89°52'03"E, 6.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 363; THENCE S00°07'57"E, 58.00 FEET ALONG SAID WEST LINE TO THE SW CORNER OF SAID LOT 363; S89°41'10"E, 161.34 FEET ALONG THE SOUTH LINE OF SAID LOT 363 TO THE POINT OF BEGINNING CONTAINING 1,750 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. 24-0355), passed by the City Council of said City at the meeting held on March 4, 2024 and signed by the Mayor on March 4, 2024 and published and provided by law in the Business Record on March 22, 2024. Authorized by Publication Order No. 12596.

Laura Baumgartner, City Clerk