

ORDINANCE NO. 16,396

AN ORDINANCE vacating East 36th Street from East Sheridan Avenue to Arthur Avenue, East 36th Court from East Sheridan Avenue to Arthur Avenue, Arthur Avenue to the west of East 37th Street, East 40th Court to the south of East Jefferson Avenue, and Lot Q between the vacated Four Mile Drive and the south line of Lot Q.

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 portions of East 36th Street from East Sheridan Avenue to Arthur Avenue, East 36th Court from East Sheridan Avenue to Arthur Avenue, Arthur Avenue to the west of East 37th Street, East 40th Court to the south of East Jefferson Avenue, and Lot Q between the vacated Four Mile Drive and the south line of Lot Q, more specifically described as follows, be and is hereby vacated:

ALL OF LOT V, AND

ALL THAT PART OF LOT M LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 857, AND

ALL THAT PART OF LOT N LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 893,

ALL IN FOUR MILE, AN OFFICIAL PLAT,

AND

LOT J, ELMWOOD PARK, AN OFFICIAL PLAT, **-EXCEPT** THE FOLLOWING DESCRIBED AREA: BEGINNING AT THE SOUTHEAST CORNER OF LOT 248 IN SAID ELMWOOD PARK; THENCE NORTH ALONG THE WEST LINE OF SAID LOT J, A DISTANCE OF 70.0 FEET; THENCE EAST AND PERPENDICULAR TO SAID WEST LINE TO THE EAST LINE OF SAID LOT J; THENCE SOUTH ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID LOT J; THENCE WEST ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING-,

AND

ALL OF LOT Q IN SAID ELMWOOD PARK,

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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

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. 24-1472), passed by the City Council of said City at the meeting held on October 21, 2024 and signed by the Mayor on October 21, 2024 and published and provided by law in the Business Record on November 8, 2024. Authorized by Publication Order No. 12818.

Laura Baumgartner, City Clerk