

ORDINANCE NO. 16,423

AN ORDINANCE vacating surface rights in a portion of Mulberry Street right-of-way adjoining 204 12<sup>th</sup> 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 Mulberry Street right-of-way adjoining 204 12<sup>th</sup> Street, more specifically described as follows, be and is hereby vacated:

A PART OF MULBERRY STREET RIGHT-OF-WAY LYING SOUTH OF LOT 8, BLOCK 29, KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 74°01'33" WEST ALONG THE SOUTH LINE OF SAID LOT 8, A DISTANCE OF 49.29 FEET; THENCE SOUTH 15°58'27" EAST, 0.42 FEET TO THE SOUTH LINE OF THE NORTH 0.42 FEET OF VACATED MULBERRY STREET RIGHT-OF-WAY TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°58'27" EAST, 6.25 FEET; THENCE SOUTH 74°01'33" WEST, 12.50 FEET; THENCE NORTH 15°58'27" WEST, 6.25 FEET TO SAID SOUTH LINE OF THE NORTH 0.42 FEET OF VACATED MULBERRY STREET RIGHT-OF-WAY; THENCE NORTH 74°01'33" EAST ALONG SAID SOUTH LINE, 12.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 78 S.F.

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. 25-0143), passed by the City Council of said City at the meeting held on January 27, 2025 and signed by the Mayor on January 27, 2025 and published and provided by law in the Business Record on February 14, 2025. Authorized by Publication Order No. 12899.

Laura Baumgartner, City Clerk