

ORDINANCE NO. 16,424

AN ORDINANCE vacating air rights within a portion of Carpenter Avenue right-of-way adjoining 1900 Carpenter 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 a portion of Carpenter Avenue right-of-way adjoining 1900 Carpenter Avenue, more specifically described as follows, be and is hereby vacated:

ALL OF THE AIR SPACE FOR THAT PART OF THE CARPENTER AVENUE RIGHT-OF-WAY LYING ADJACENT TO AND NORTH OF THE SOUTH LINE OF THE NORTH 35.00 FEET OF LOT A AND THE SOUTH LINE OF THE NORTH 10.00 FEET OF LOT 28 OF THE OFFICIAL PLAT OF LOT 21 OF THE OFFICIAL PLAT OF SECTION 33-79-24, AN OFFICIAL PLAT, 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 SOUTHWEST CORNER OF THE NORTH 10.00 FEET OF LOT 51 OF SAID OFFICIAL PLAT OF LOT 21; THENCE NORTH 89°48'28" EAST ALONG THE SOUTH LINE OF CARPENTER AVENUE RIGHT-OF-WAY, 142.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°11'32" WEST, 4.00 FEET; THENCE NORTH 89°48'28" EAST, 94.50 FEET; THENCE SOUTH 0°11'32" EAST, 4.00 FEET TO SAID SOUTH RIGHT-OF-WAY LINE; THENCE SOUTH 89°48'28" WEST ALONG SAID SOUTH RIGHT OF WAY LINE, 94.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 378 S.F. WHICH IS BELOW A PLANE ELEVATION OF 172.00 FEET CITY OF DES MOINES DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 159.00 FEET CITY OF DES MOINES DATUM. THE GROUND ELEVATION WITHIN SAID DESCRIPTION IS APPROXIMATELY 149.20 FEET CITY OF DES MOINES DATUM.

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. 25-0146), 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. 12900.

Laura Baumgartner, City Clerk