

ORDINANCE NO. 16,446

AN ORDINANCE vacating air, surface and subsurface rights in portions of East 5th Street right-of-way adjoining 106 East 6th 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 air, surface and subsurface rights in portions of East 5th Street right-of-way adjoining 106 East 6th Street, more specifically described as follows, be and is hereby vacated:

AIR RIGHTS

A 5.75-FOOT-WIDE PORTION OF THE EAST 5TH STREET RIGHT OF WAY WEST OF AND ADJACENT TO THE SOUTH 154.00 FEET OF LOT 14 IN BLOCK 15, TOWN OF DE MOINE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH 154.00 FEET OF SAID LOT 14; THENCE S15°07'37"E ALONG THE WEST LINE OF SAID LOT 14, A DISTANCE OF 26.00 FEET; THENCE S75°03'02"W, A DISTANCE OF 5.75 FEET; THENCE N15°07'37"W, A DISTANCE OF 26.00 FEET; THENCE N75°03'02"E, A DISTANCE OF 5.75 FEET TO THE POINT OF BEGINNING. EASEMENT TO BE BETWEEN ELEVATION 34.40 FEET AND 50.40 FEET. (CITY OF DES MOINES VERTICAL DATUM) CONTAINS 1,495 SQUARE FEET.

SURFACE RIGHTS

A 4.50 FOOT WIDE PORTION OF THE EAST 5TH STREET RIGHT OF WAY WEST OF AND ADJACENT TO THE SOUTH 154.00 FEET OF LOT 14 IN BLOCK 15, TOWN OF DE MOINE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH 154.00 FEET OF SAID LOT 14; THENCE S15°07'37"E ALONG THE WEST LINE OF SAID LOT 14, A DISTANCE OF 5.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S15°07'37"E ALONG THE WEST LINE OF SAID LOT 14, A DISTANCE OF 13.43 FEET; THENCE S74°52'23"W, A DISTANCE OF 4.50 FEET; THENCE N15°07'37"W, A DISTANCE OF 13.43 FEET; THENCE N74°52'23"E, A DISTANCE OF 4.50 FEET TO THE POINT OF BEGINNING. CONTAINS 60 SQUARE FEET.

AND

A 4.50 FOOT WIDE PORTION OF THE EAST 5TH STREET RIGHT OF WAY WEST OF AND ADJACENT TO THE SOUTH 154.00 FEET OF LOT 14 IN BLOCK 15, TOWN

OF DE MOINE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH 154.00 FEET OF SAID LOT 14; THENCE S15°07'37"E ALONG THE WEST LINE OF SAID LOT 14, A DISTANCE OF 47.71 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S15°07'37"E ALONG THE WEST LINE OF SAID LOT 14, A DISTANCE OF 19.16 FEET; THENCE S74°52'23"W, A DISTANCE OF 4.50 FEET; THENCE N15°07'37"W, A DISTANCE OF 19.16 FEET; THENCE N74°52'23"E, A DISTANCE OF 4.50 FEET TO THE POINT OF BEGINNING. CONTAINS 86 SQUARE FEET.

AND

A 4.50 FOOT WIDE PORTION OF THE EAST 5TH STREET RIGHT OF WAY WEST OF AND ADJACENT TO THE SOUTH 154.00 FEET OF LOT 14 IN BLOCK 15, TOWN OF DE MOINE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 14; THENCE N15°07'37"W ALONG THE WEST LINE OF SAID LOT 14, A DISTANCE OF 15.55 FEET TO THE POINT OF BEGINNING; THENCE S74°52'23"W, A DISTANCE OF 4.50 FEET; THENCE N15°07'37"W, A DISTANCE OF 5.00 FEET; THENCE N74°52'23"E, A DISTANCE OF 4.50 FEET TO THE WEST LINE OF SAID LOT 14; THENCE S15°07'37"E ALONG THE WEST LINE OF SAID LOT 14, A DISTANCE OF 5.00 FEET; TO THE POINT OF BEGINNING. CONTAINS 22.5 SQUARE FEET.

SUBSURFACE RIGHTS

A 5.00 FOOT WIDE PORTION OF THE EAST 5TH STREET RIGHT OF WAY WEST OF AND ADJACENT TO THE SOUTH 154.00 FEET OF LOT 14 IN BLOCK 15, TOWN OF DE MOINE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH 154.00 FEET OF SAID LOT 14; THENCE S15°07'37"E ALONG THE WEST LINE OF SAID LOT 14, A DISTANCE OF 5.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S15°07'37"E ALONG THE WEST LINE OF SAID LOT 14, A DISTANCE OF 13.43 FEET; THENCE S74°52'23"W, A DISTANCE OF 5.00 FEET; THENCE N15°07'37"W, A DISTANCE OF 13.43 FEET; THENCE N74°52'23"E, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINS 67 SQUARE FEET.

AND

A 5.00 FOOT WIDE PORTION OF THE EAST 5TH STREET RIGHT OF WAY WEST OF AND ADJACENT TO THE SOUTH 154.00 FEET OF LOT 14 IN BLOCK 15,

TOWN OF DE MOINE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH 154.00 FEET OF SAID LOT 14; THENCE S15°07'37"E ALONG THE WEST LINE OF SAID LOT 14, A DISTANCE OF 47.71 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S15°07'37"E ALONG THE WEST LINE OF SAID LOT 14, A DISTANCE OF 19.16 FEET; THENCE S74°52'23"W, A DISTANCE OF 5.00 FEET; THENCE N15°07'37"W, A DISTANCE OF 19.16 FEET; THENCE N74°52'23"E, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINS 96 SQUARE FEET.

AND

A 5.00 FOOT WIDE PORTION OF THE EAST 5TH STREET RIGHT OF WAY WEST OF AND ADJACENT TO THE SOUTH 154.00 FEET OF LOT 14 IN BLOCK 15, TOWN OF DE MOINE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS:

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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: Grant Hyland, 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. 25-0458), passed by the City Council of said City at the meeting held on March 24, 2025 and signed by the Mayor on March

24, 2025 and published and provided by law in the Business Record on April 11 2025.
Authorized by Publication Order No. 12976.

Laura Baumgartner, City Clerk