

ORDINANCE NO. 16,002

AN ORDINANCE vacating air rights and subsurface rights in portions of 6<sup>th</sup> Avenue right-of-way adjoining 1230 6<sup>th</sup> Avenue, Des Moines, Iowa.

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 vacating air rights and subsurface rights in portions of 6<sup>th</sup> Avenue right-of-way adjoining 1230 6<sup>th</sup> Avenue, Des Moines, Iowa, more specifically described as follows, be and are hereby vacated:

Air Rights

A PART OF LOTS 35 THROUGH LOT 38, GRAND PARK, AN OFFICIAL PLAT AND A PART OF THE RIGHT OF WAY OF 6TH AVENUE, 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 NORTHEAST CORNER OF SAID LOT 35; THENCE NORTH 89°55'34" WEST ALONG THE NORTH LINE OF SAID LOT 35, A DISTANCE OF 3.00 FEET TO THE NORTHWEST CORNER OF THE ACQUISITION PLAT RECORDED IN BOOK 17667 PAGE 87-89; THENCE SOUTH 00°12'17" EAST ALONG THE WEST LINE OF SAID ACQUISITION PLAT, 1.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°47'43" EAST, 4.00 FEET; THENCE SOUTH 00°01'48" EAST, 164.00 FEET; THENCE SOUTH 89°47'43" WEST, 3.50 FEET TO SAID WEST LINE; THENCE NORTH 00°12'17" WEST ALONG SAID WEST LINE, 164.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 615 SQUARE FEET AND LYING BETWEEN ELEVATIONS 137.00 FEET AND 165.00 FEET CITY OF DES MOINES VERTICAL DATUM (REFERENCE GROUND ELEVATION OF 116.50 FEET).

Subsurface Rights

A PART OF LOTS 35 THROUGH LOT 38, GRAND PARK, AN OFFICIAL PLAT AND A PART OF THE RIGHT OF WAY OF 6TH AVENUE, 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 NORTHEAST CORNER OF SAID LOT 35; THENCE NORTH 89°55'34" WEST ALONG THE NORTH LINE OF SAID LOT 35, A DISTANCE OF 3.00 FEET TO THE NORTHWEST CORNER OF THE ACQUISITION PLAT RECORDED IN BOOK 17667 PAGE 87-89; THENCE SOUTH 00°12'17" EAST ALONG THE WEST LINE OF SAID ACQUISITION PLAT, 1.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°47'43" EAST, 4.00 FEET; THENCE SOUTH 00°01'48" EAST, 164.00 FEET; THENCE SOUTH 89°47'43" WEST, 3.50 FEET TO SAID WEST LINE; THENCE NORTH 00°12'17" WEST ALONG SAID WEST LINE, 164.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 615 SQUARE FEET.

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:

Lisa A. Wieland  
Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, P. Kay Cmelik, 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. 21-0580), passed by the City Council of said City at a meeting held on April 5, 2021 and signed by the Mayor on April 5, 2021 and published and provided by law in the Business Record on April 23, 2021. Authorized by Publication Order No. 11483.

P. Kay Cmelik, City Clerk