

★ Roll Call Number

Agenda Item Number

54A

Date January 28, 2007

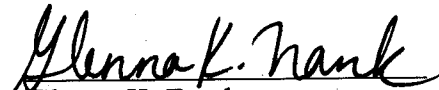
An Ordinance entitled, "AN ORDINANCE vacating an easement for air space above a portion of 13th Street right-of-way between Locust Street and Walnut Street and above a portion of Walnut Street right-of-way between 12th Street and 13th Street",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)


Glenna K. Frank
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....
Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

54A

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50320 (515) 283-4130

ORDINANCE NO. _____

AN ORDINANCE vacating an easement for air space above a portion of 13th Street right-of-way between Locust Street and Walnut Street and above a portion of Walnut Street right-of-way between 12th Street and 13th 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:

Section 1. That an easement for air space above a portion of 13th Street right-of-way between Locust Street and Walnut Street and above a portion of Walnut Street right-of-way between 12th Street and 13th Street, more specifically described as follows, be and is hereby vacated.

An Air Rights Easement over and across a portion of the 13th Street Right-of-Way as it is presently established between Locust Street and Walnut Street, which is located above a plane elevation of 121.50 feet and below a plane elevation of 123.00 feet, ground level elevation being 44.67 feet, City Datum, described as follows:

Commencing at the Northwest Corner of the East 32.90 feet of Lot 6, Block 2, Allen's Addition, an official plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, said Corner being at the intersection of the South Right-of-Way Line of Locust Street with the East Right-of-Way Line of 13th Street as each is presently established; thence, South 15°(Degrees) 16'(Minutes) 08"(Seconds) East along the West Line of the East 32.90 feet of said Lot 6 and along the East Right-of-Way Line of said 13th Street a distance of 5.16 feet to the Point of Beginning; thence, continuing South 15°16'08" East along the West Line of the East 32.90 feet of said Lot 6 and along the East Right-of-Way Line of said 13th Street a distance of 53.67 feet; thence, South 74°11'09" West a distance of 0.69 feet; thence, North 15°48'51" West a distance of 53.67 feet; thence, North 74°11'09" East a distance of 1.20 feet to the Point of Beginning, containing 51 square feet, more or less.

DESCRIPTION APPROVED
[Signature]
11/23/07 09:30

AND,

An Air Rights Easement over and across a portion of the Walnut Street Right-of-Way as it is presently established between 12th Street and 13th Street, which is located above a plane elevation of 121.50 feet and below a plane elevation of 123.00 feet, ground level elevation being 44.67 feet, City Datum, described as follows:

Commencing at a point 2.00 feet West of the Southwest Corner of Lot 4, Block 28, Keene & Poindexter's Addition, an official plat, and Campbell & McMullen's Addition, an official plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, said point being at the intersection of the North Right-of-Way Line of Walnut Street with the East Right-of-Way Line of 13th Street as each is presently established; thence, North 74°(Degrees) 11'(Minutes) 19" (Seconds) East along the South Line of Lot 4 in said Block 28 and along the North Right-of-Way Line of said Walnut Street a distance of 1.71 feet to the Point of Beginning; thence, continuing North 74°11'19" East along the South Line of Lot 4 and 3 in said Block 28 and along the North Right-of-Way Line of said Walnut Street a distance of 79.17 feet; thence, South 15°48'51" East a distance of 1.14 feet; thence, South 74°11'09" West a distance of 79.17 feet; thence, North 15°48'51" West a distance of 1.14 feet to the Point of Beginning, containing 90 square feet, more or less;

AND,

Commencing at the Southeast Corner of Block 28, Keene & Poindexter's Addition, an official plat and Campbell and McMullen's Addition, an official plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, said Corner being at the intersection of the North Right-of-Way Line of Walnut Street with the West Right-of-Way Line of 12th Street as each is presently established; thence, South 74°(Degrees) 11'(Minutes) 19"(Seconds) West along the South Line of Lot 1 in said Block 28 and along the North Right-of-Way Line of said Walnut Street a distance of 1.68 feet to the Point of Beginning; thence, South 15°48'51" East a distance of 1.14 feet; thence, South 74°11'09" West a distance of 79.17 feet; thence, North 15°48'51" West a distance of 1.14 feet to the North Right-of-Way Line of said Walnut Street and the South line of Lot 2 in said Block 28; thence, North 74°11'19" East along the North Right-of-Way Line of said Walnut Street and the South line of Lots 1 and 2 in said Block 28, a distance of 79.17 feet to the Point of Beginning, containing 90 square feet, more or less.

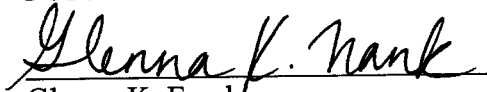
Sec. 2. The City of Des Moines hereby reserves an easement upon the property described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

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.

DESCRIPTION APPROVED
12/28/07 09:30
[Signature]

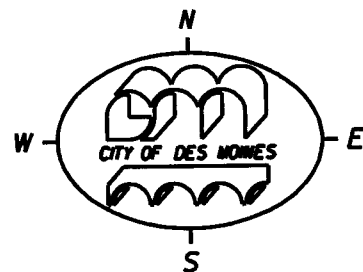
Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

A handwritten signature in cursive script, reading "Glenna K. Frank", written over a horizontal line.

Glenna K. Frank

Assistant City Attorney



**AIR SPACE EASEMENT
NATIONWIDE MUTUAL
INSURANCE COMPANY
ACTIVITY I.D. 34-2008-025**