

★ Roll Call Number

Agenda Item Number

54A

Date June 4, 2007

An Ordinance entitled, "AN ORDINANCE vacating Elm Street between SW 7th Street and SW 8th Street, and excess West Martin Luther King Jr. Parkway right-of-way north of Elm Street and between SW 7th Street and SW 8th 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
Glenna K. Frank
Assistant City Attorney

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

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

MOTION CARRIED

APPROVED

Mayor

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 Elm Street between SW 7th Street and SW 8th Street, and excess West Martin Luther King Jr. Parkway right-of-way north of Elm Street and between SW 7th Street and SW 8th 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 Elm Street between SW 7th Street and SW 8th Street, and excess West Martin Luther King Jr. Parkway right-of-way north of Elm Street and between SW 7th Street and SW 8th Street, more specifically described as follows, be and is hereby vacated.

All that portion of Elm Street right-of-way lying South of and adjoining Block 6, Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of Lots 3, 4, 5 and 6, Block 6, Fort Des Moines, an Official Plat, and the intervening alleys and vacated alleys in said parcel, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Beginning at the southwesterly corner of said Lot 4, and being the intersection of the present northerly right-of-way line of Elm Street and the present easterly right-of-way line of Southwest 8th Street; thence North 15°(degrees) 23'(minutes) 52"(seconds) West (assumed bearing for the purpose of this description) along the westerly line of said Lots 4 and 3, and being the present easterly right-of-way line of Southwest 8th Street, 116.08 feet; thence North 81°42'58" East, 4.89 feet;

DESCRIPTION REVIEWED
[Signature]
5/16/07 13:13

Ala

thence North 81°03'54" East, 262.35 feet; thence South 63°00'04" East, 26.02 feet to the Northeasterly corner of said Lot 5, and being the present westerly right-of-way line of Southwest 7th Street; thence South 15°21'13" East along the easterly line of said Lot 5, and being the present westerly right-of-way line of Southwest 7th Street, 66.56 feet to the southeasterly corner of said Lot 5, and being the intersection of the present northerly right-of-way line of Elm Street and the present westerly right-of-way line of Southwest 7th Street; thence South 74°13'52" West along the southerly line of said Lot 5 and its westerly extension, and said Lot 4, and being the present northerly right-of-way line of Elm Street, 284.71 feet to the point of beginning. By survey containing 28,035 square feet, or 0.64 acre.

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:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney