

★ Roll Call Number

Agenda Item Number

52A

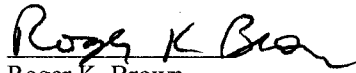
Date November 19, 2007

An Ordinance entitled, "AN ORDINANCE vacating all of the High Street right-of-way between 10th Street and 12th Street, all of the 13th Street right-of-way between High Street and Grand Avenue, and all of the alley rights-of-way within the three block area bounded by High Street, Grand Avenue, 11th Street and 14th Street,"

is presented.

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

FORM APPROVED:


Roger K. Brown
Assistant City Attorney

(First of three required readings)

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

Prepared by: Roger K. Brown, Assistant City Attorney, 400 Robert Ray Dr., Des Moines, IA 50309
515/283-4541
Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309
Taxpayer: No change
Title of Document: Ordinance No. _____
Grantor/Grantee: City of Des Moines, Iowa
Legal Description: See below on this page.

ORDINANCE NO. _____

AN ORDINANCE vacating all of the High Street right-of-way between 10th Street and 12th Street, all of the 13th Street right-of-way between High Street and Grand Avenue, and all of the alley rights-of-way within the three block area bounded by High Street, Grand Avenue, 11th Street and 14th Street.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, the vacation of the public rights-of-way described below, the realignment of a portion of High Street between 10th Street and 14th Street, and the redevelopment of the three block area bounded by High Street, Grand Avenue, 11th Street and 13th Street as the new corporate headquarters for Wellmark, Inc., have been undertaken by the City of Des Moines in the exercise of its urban renewal powers under Iowa Code Chapter 403; and,

WHEREAS, it is desirable that the public right-of-way herein described be vacated without reservation of easements for existing utility facilities; NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That vacating all of the High Street right-of-way between 10th Street and 12th Street, all of the 13th Street right-of-way between High Street and Grand Avenue, and all of the alley

rights-of-way within the three block area bounded by High Street, Grand Avenue, 11th Street and 14th Street, more specifically described as follows, be and are hereby vacated:

13th Street:

All that part of 13th Street right-of-way in Fourteenth Street Place, an Official Plat, lying South of the South right-of-way line of High Street from the Northeast corner of Lot 38 of said Fourteenth Street Place to the Northeast corner of Lot 39 of said Fourteenth Street Place, and lying North of the North right-of-way line of Grand Avenue from a point being 7.0 feet North of the Southeast corner of Lot 2, Cascade Place, an Official Plat, to the Southwest corner of Lot 46, of said Fourteenth Street Place, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

High Street:

All that part of High Street right-of-way East of the northerly extension of West right of way line of 10th Street, and lying North of Block 59, Campbell and McMullen's Addition, An Official Plat and lying North of the westerly extension of the South right-of-way line High Street, and lying North of and adjoining that part of Lot 31 of the Official Plat of the Southwest ¼ of Section 4 Township 78 North, 24 West of the 5th P.M. of Lot 6, and all of Rose Addition, an Official Plat, and that part of High Street right-of-way being a part of Lots 1 thru 4, Williams and Sly's Subdivision, and that part of High Street right-of-way (also known as Maple Street) and lying East of the northerly extension of the East right-of-way line of 12th Street right of way to the North right-of-way line of High Street right of way being a point at the Southwest corner of Lot 3, Block 1, Smith's Addition to Fort Des Moines being a Subdivision of a portion of Roses Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Alleys:

All of the East West alley right-of-way lying South of and adjoining Lots 35 thru 38, Fourteenth Street Place, an Official Plat, and all of the North/South Alley lying West of and adjoining Lots 31 thru 34 of said Fourteenth Street Place, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

All of the East West alley right-of-way lying North of and adjoining Lot 45 of said Fourteenth Street Place, and all of the North/South alley right-of-way lying East of and adjoining Lots 44 and 48 of said Fourteenth Street Place, all now included in and forming a part of the City of Des Moines Polk County, Iowa

All of the East/West alley right-of-way in Block 58, Campbell and McMullen's Addition, an Official Plat, being the North 12.0 feet of Lots 2 and 3 of said Block 58 and the North 10.0 feet of the East 2/3rd of Lot 4 of said Block 58 and the North 8.0 feet of the West 1/3rd of said Lot 4 and the North 8.0 feet of Lot 5 of said Block 58, and a strip of ground being 2.00

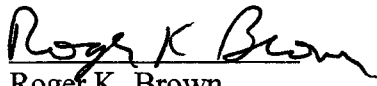
feet wide lying South of and adjoining Lots 4 and 3, Williams and Sly's Subdivision an Official Plat, and lying South of a line from the Southeast corner of said Lot 3; thence southeasterly 6.13 feet along the South line of Lot 2 of said Williams and Sly's Subdivision, to the point of terminus, as Surveyed and Monumented by Dave L. Jones #11579 recorded in Book 12373 Page 845 September 14, 2007, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 2. All public utilities with facilities within the vacated rights-of-way described above are hereby ordered to remove such facilities from the vacated rights-of-way within 90 days or any extension thereof granted by the City Engineer for good cause shown. The City Engineer is hereby directed to give prompt notice of this action to all public utilities with facilities within the vacated rights-of-way described above.

Sec. 3. That the City Clerk is hereby authorized and directed to cause a 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:



Roger K. Brown

Assistant City Attorney

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