



Roll Call Number

Agenda Item Number

4301

Date July 28, 2014

An Ordinance entitled, " AN ORDINANCE vacating portions of Elm Street and SW 6th Street right-of-way adjoining 300 SW 5th 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				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
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: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4530
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

ORDINANCE NO. _____

AN ORDINANCE vacating portions of Elm Street and SW 6th Street right-of-way adjoining 300 SW 5th 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 portions of Elm Street and SW 6th Street right-of-way adjoining 300 SW 5th Street, more specifically described as follows, be and is hereby vacated:

AN IRREGULAR SHAPED PORTION OF SW 6TH STREET RIGHT OF WAY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4, FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 15°(DEGREES)19'(MINUTES)55"(SECONDS) EAST (ASSUMED BEARING FOR THE PURPOSE OF THIS DESCRIPTION) ALONG THE SOUTHERLY EXTENSION OF SAID LOT 4, 28.01 FEET; THENCE SOUTH 74°14'51" WEST, 33.00 FEET TO THE CENTERLINE OF SAID SW 6TH STREET AS IT IS PRESENTLY ESTABLISHED; THENCE NORTH 15°19'55" WEST ALONG SAID CENTERLINE OF SW 6TH STREET, 71.95 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF WEST MARTIN LUTHER KING JR PARKWAY AS IT IS PRESENTLY ESTABLISHED; THENCE NORTH 79°58'05" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 33.15 FEET TO THE WESTERLY LINE OF SAID LOT 4; THENCE SOUTH 15°19'55" EAST ALONG THE WESTERLY LINE OF SAID LOT 4, 40.60 FEET TO THE POINT OF BEGINNING. CONTAINING APPROXIMATELY 2,319 SQUARE FEET.

AND

AN IRREGULAR SHAPED PORTION OF ELM STREET RIGHT OF WAY DESCRIBED AS FOLLOWS:

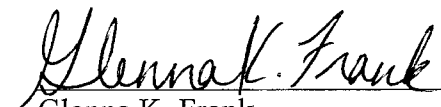
BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 12, REPLAT OF PART OF FACTORY ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND BEING THE INTERSECTION OF THE PRESENT SOUTHERLY RIGHT OF WAY LINE OF ELM STREET AND THE PRESENT WESTERLY RIGHT OF WAY LINE OF SW 5TH STREET; THENCE SOUTH 74°(DEGREES) 14'(MINUTES) 51" (SECONDS) WEST (ASSUMED BEARING FOR THE PURPOSE OF THIS DESCRIPTION) ALONG THE NORTHERLY LINE OF SAID LOT 12, AND BEING THE PRESENT SOUTHERLY RIGHT OF WAY LINE OF ELM STREET, 133.56 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 12; THENCE NORTH 15°45'10" WEST, 35.00 FEET; THENCE SOUTH 74°14'51" WEST, 149.28 FEET; THENCE NORTH 15°19'55" WEST, 3.00 FEET; THENCE NORTH 74°16'51" EAST, 283.08 FEET; THENCE SOUTH 15°20'24" EAST, 37.84 FEET TO THE POINT OF BEGINNING. CONTAINING APPROXIMATELY 5,505 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:


Glenna K. Frank
Assistant City Attorney