



## Roll Call Number

## Agenda Item Number

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Date April 6, 2015

### SET HEARING FOR VACATION OF AIR SPACE, SURFACE AND SUBSURFACE RIGHTS ADJOINING 222 5<sup>TH</sup> AVENUE AND CONVEYANCE OF EASEMENTS TO POLK COUNTY FOR \$1

**WHEREAS**, Polk County, Iowa ("Polk County") is the owner of the real property locally known as 222 5<sup>th</sup> Avenue, which property is being converted into the new Polk County Justice Center; and

**WHEREAS**, Polk County has requested the vacation of portions of Mulberry Street, 5<sup>th</sup> Avenue and Walnut Street rights-of-way adjoining 222 5<sup>th</sup> Avenue, and has requested that the City convey easement interests in air rights, surface rights and subsurface rights in the vacated rights-of-way to Polk County in accordance with Iowa Code Section 364.7(3) for the public purposes of property redevelopment and use, as consideration for acquisition of said easement interests for the Polk County Justice Center operations; and

**WHEREAS**, the easements in the City rights-of-way proposed to be vacated and conveyed has been determined by the City Engineer and City Traffic Engineer to have no significant impact on public access, and the City will not be inconvenienced by the vacation of said rights-of-way and the conveyance of said easements.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating portions of Mulberry Street, 5<sup>th</sup> Avenue and Walnut Street rights-of-way adjoining 222 5<sup>th</sup> Avenue, more specifically described as follows:

#### AIR RIGHTS - BUILDING CANOPIES

##### AREA 1

ALL OF THE AIR SPACE FOR THAT PART OF THE RIGHT-OF-WAY OF 5TH AVE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 30.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EAST LINE, 9.00 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 9.00 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 36 S.F. WHICH IS BELOW A PLANE ELEVATION OF 44.70 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 43.70 FEET CITY DATUM, CURRENT GROUND ELEVATION 33.7 FEET.

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AREA 2

ALL OF THE AIR SPACE FOR THAT PART OF THE RIGHT-OF-WAY OF 5TH AVE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 105.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EAST LINE, 9.00 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 9.00 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 36 S.F. WHICH IS BELOW A PLANE ELEVATION OF 44.90 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 43.90 FEET CITY DATUM, CURRENT GROUND ELEVATION 33.9 FEET.

AREA 3

ALL OF THE AIR SPACE FOR THAT PART OF THE RIGHT-OF-WAY OF 5TH AVE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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AIR RIGHTS - BUILDING FACADE

ALL OF THE AIR SPACE FOR THAT PART OF THE RIGHT-OF-WAY OF MULBERRY STREET, 5TH AVE AND WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 4 OF SAID BLOCK 14 OF ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 74°12'44" EAST ALONG THE SOUTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 149.82 FEET TO THE SOUTHEASTERLY CORNER OF SAID BLOCK 14; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 282.66 FEET TO THE NORTHEASTERLY CORNER OF SAID BLOCK 14; THENCE SOUTH 74°10'07" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 149.93 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK 14; THENCE SOUTH

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74°12'30" WEST ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 14, A DISTANCE OF 4.00 FEET; THENCE NORTH 15°26'19" WEST, 4.00 FEET; THENCE NORTH 74°12'30" EAST, 4.00 FEET; THENCE NORTH 74°10'07" EAST, 153.93 FEET; THENCE SOUTH 15°25'01" EAST, 290.66 FEET; THENCE SOUTH 74°12'44" WEST, 153.82 FEET; THENCE SOUTH 74°10'00" WEST, 4.00 FEET; THENCE NORTH 15°26'19" WEST, 4.00 FEET TO THE SOUTHERLY LINE OF SAID BLOCK 14; THENCE NORTH 74°10'00" EAST ALONG SAID SOUTHERLY LINE, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,394 SF) WHICH IS BELOW A PLANE ELEVATION OF 96.00 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 47.10 FEET CITY DATUM, CURRENT GROUND ELEVATION RANGE BETWEEN 33.8 - 34.5 FEET.

#### ENCROACHMENT

A PART OF THE RIGHT-OF-WAY OF MULBERRY STREET, 5TH AVE AND WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 4 OF SAID BLOCK 14 OF ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 74°12'44" EAST ALONG THE SOUTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 149.82 FEET TO THE SOUTHEASTERLY CORNER OF SAID BLOCK 14; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 282.66 FEET TO THE NORTHEASTERLY CORNER OF SAID BLOCK 14; THENCE SOUTH 74°10'07" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 149.93 FEET TO THE NORTHEASTERLY CORNER OF LOT 1 OF SAID BLOCK 14; THENCE NORTH 15°26'19" WEST ALONG THE EASTERLY LINE OF SAID LOT 1 EXTENDED NORTHEASTERLY, 1.20 FEET; THENCE NORTH 74°10'07" EAST, 151.13 FEET; THENCE SOUTH 15°25'01" EAST, 284.86 FEET; THENCE SOUTH 74°12'44" WEST, 151.02 FEET TO THE EASTERLY LINE OF SAID LOT 4 EXTENDED SOUTHEASTERLY; THENCE NORTH 15°26'19" WEST ALONG SAID EASTERLY LINE OF LOT 4 EXTENDED SOUTHEASTERLY, 1.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (672 SF).

#### ENCROACHMENT - DOOR OPENING

#### AREA 1 - ENCROACHMENT

THAT PART OF THE RIGHT-OF-WAY OF 5TH AVENUE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 30.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EASTERLY LINE, 4.50 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 4.50 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.



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### AREA 2 - ENCROACHMENT

THAT PART OF THE RIGHT-OF-WAY OF 5TH AVENUE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 108.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EASTERLY LINE, 4.50 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 4.50 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.

### AREA 3 - ENCROACHMENT

THAT PART OF THE RIGHT-OF-WAY OF 5TH AVENUE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 145.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EASTERLY LINE, 20.00 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 20.00 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 80 S.F.

### AREA 4 - ENCROACHMENT

THAT PART OF THE RIGHT-OF-WAY OF 5TH AVENUE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 254.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EASTERLY LINE, 8.00 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 8.00 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 32 S.F.

### AREA 5 - ENCROACHMENT

THAT PART OF THE RIGHT-OF-WAY OF MULBERRY STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE SOUTH 74°12'44" WEST ALONG THE SOUTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 112.26 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°47'16" EAST, 4.00 FEET; THENCE SOUTH 74°12'44" WEST, 4.50 FEET; THENCE NORTH 15°47'16" WEST, 4.00 FEET TO SAID SOUTHERLY LINE; THENCE NORTH 74°12'44" EAST ALONG SAID SOUTHERLY LINE, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.

#### AREA 6 - ENCROACHMENT

THAT PART OF THE RIGHT-OF-WAY OF WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE SOUTH 74°10'07" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 112.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°10'07" WEST ALONG SAID NORTHERLY LINE, 8.00 FEET; THENCE NORTH 15°49'53" WEST, 4.00 FEET; THENCE NORTH 74°10'07" EAST, 8.00 FEET; THENCE SOUTH 15°49'53" EAST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.

#### AREA 7 - ENCROACHMENT

THAT PART OF THE RIGHT-OF-WAY OF WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE SOUTH 74°10'07" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 140.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°10'07" WEST ALONG SAID NORTHERLY LINE, 8.00 FEET; THENCE NORTH 15°49'53" WEST, 4.00 FEET; THENCE NORTH 74°10'07" EAST, 8.00 FEET; THENCE SOUTH 15°49'53" EAST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.

#### SUBSURFACE ENCROACHMENT

A PART OF THE RIGHT-OF-WAY OF MULBERRY STREET, 5TH AVE AND WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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149.93 FEET TO THE NORTH- EASTERLY CORNER OF LOT 1 OF SAID BLOCK 14; THENCE NORTH 15°26'19" WEST ALONG THE EASTERLY LINE OF SAID LOT 1 EXTENDED NORTHEASTERLY, 11.00 FEET; THENCE NORTH 74°10'07" EAST, 158.13 FEET; THENCE SOUTH 15°25'01"EAST, 301.86 FEET; THENCE SOUTH 74°12'44" WEST, 158.02 FEET TO THE EASTERLY LINE OF SAID LOT 4 EXTENDED SOUTHEASTERLY; THENCE NORTH 15°26'19" WEST ALONG SAID EASTERLY LINE OF LOT 4 EXTENDED SOUTHEASTERLY, 8.20 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.12 ACRES (5,353 SF).

2. That, if the City Council first decides to vacate the above described rights-of-way, the City of Des Moines proposes to convey easement interests in air rights, surface rights and subsurface rights in the vacated rights-of-way, all as legally described as follows, to Polk County in accordance with Iowa Code Section 364.7(3) for the public purposes of property redevelopment and use, as consideration for acquisition of said easement interests for the Polk County Justice Center operations:

### AIR RIGHTS EASEMENT - BUILDING CANOPIES

#### AREA 1 - AIR RIGHTS EASEMENT

ALL OF THE AIR SPACE FOR THAT PART OF VACATED RIGHT-OF-WAY OF 5TH AVE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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#### AREA 2 - AIR RIGHTS EASEMENT

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ELEVATION OF 44.90 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 43.90 FEET CITY DATUM, CURRENT GROUND ELEVATION 33.9 FEET.

**AREA 3 - AIR RIGHTS EASEMENT**

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**AIR RIGHTS EASEMENT - BUILDING FACADE**

ALL OF THE AIR SPACE FOR THAT PART OF VACATED RIGHT-OF-WAY OF MULBERRY STREET, 5TH AVE AND WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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**ENCROACHMENT EASEMENT**

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A PART OF THE VACATED RIGHT-OF-WAY OF MULBERRY STREET, 5TH AVE AND WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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ENCROACHMENT - DOOR OPENING

AREA 1 - ENCROACHMENT EASEMENT

THAT PART OF VACATED RIGHT-OF-WAY OF 5TH AVENUE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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AREA 2 - ENCROACHMENT EASEMENT

THAT PART OF VACATED RIGHT-OF-WAY OF 5TH AVENUE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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### AREA 3 - ENCROACHMENT EASEMENT

THAT PART OF VACATED RIGHT-OF-WAY OF 5TH AVENUE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 145.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EASTERLY LINE, 20.00 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 20.00 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 80 S.F.

### AREA 4 - ENCROACHMENT EASEMENT

THAT PART OF VACATED RIGHT-OF-WAY OF 5TH AVENUE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 254.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EASTERLY LINE, 8.00 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 8.00 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 32 S.F.

### AREA 5 - ENCROACHMENT EASEMENT

THAT PART OF VACATED RIGHT-OF-WAY OF MULBERRY STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE SOUTH 74°12'44" WEST ALONG THE SOUTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 112.26 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°47'16" EAST, 4.00 FEET; THENCE SOUTH 74°12'44" WEST, 4.50 FEET; THENCE NORTH 15°47'16" WEST, 4.00 FEET TO SAID SOUTHERLY LINE; THENCE NORTH 74°12'44" EAST ALONG SAID SOUTHERLY LINE, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.

### AREA 6 - ENCROACHMENT EASEMENT

THAT PART OF VACATED RIGHT-OF-WAY OF WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:



Date April 6, 2015

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE SOUTH 74°10'07" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 112.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°10'07" WEST ALONG SAID NORTHERLY LINE, 8.00 FEET; THENCE NORTH 15°49'53" WEST, 4.00 FEET; THENCE NORTH 74°10'07" EAST, 8.00 FEET; THENCE SOUTH 15°49'53" EAST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.

AREA 7 - ENCROACHMENT EASEMENT

THAT PART OF VACATED RIGHT-OF-WAY OF WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE SOUTH 74°10'07" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 140.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°10'07" WEST ALONG SAID NORTHERLY LINE, 8.00 FEET; THENCE NORTH 15°49'53" WEST, 4.00 FEET; THENCE NORTH 74°10'07" EAST, 8.00 FEET; THENCE SOUTH 15°49'53" EAST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.

SUBSURFACE ENCROACHMENT EASEMENT

A PART OF THE VACATED RIGHT-OF-WAY OF MULBERRY STREET, 5TH AVE AND WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 4 OF SAID BLOCK 14 OF ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 74°12'44" EAST ALONG THE SOUTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 149.82 FEET TO THE SOUTHEASTERLY CORNER OF SAID BLOCK 14; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 282.66 FEET TO THE NORTHEASTERLY CORNER OF SAID BLOCK 14; THENCE SOUTH 74°10'07" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 149.93 FEET TO THE NORTH- EASTERLY CORNER OF LOT 1 OF SAID BLOCK 14; THENCE NORTH 15°26'19" WEST ALONG THE EASTERLY LINE OF SAID LOT 1 EXTENDED NORTHEASTERLY, 11.00 FEET; THENCE NORTH 74°10'07" EAST, 158.13 FEET; THENCE SOUTH 15°25'01" EAST, 301.86 FEET; THENCE SOUTH 74°12'44" WEST, 158.02 FEET TO THE EASTERLY LINE OF SAID LOT 4 EXTENDED SOUTHEASTERLY; THENCE NORTH 15°26'19" WEST ALONG SAID EASTERLY LINE OF LOT 4 EXTENDED SOUTHEASTERLY, 8.20 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.12 ACRES (5,353 SF).

3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such easement interests is to be considered shall be on April 20, 2015, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.



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Date April 6, 2015

4. That the City Clerk is hereby authorized and directed to publish notice of said proposals in the form hereto attached, all in accordance with §362.3 of the Iowa Code.

5. There will be no proceeds associated with the conveyance of this property.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Cori Kuhn Coleman, Assistant City Attorney

BSN

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GREY				
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

