Roll Call Number	Agenda Item Number
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Date August 24, 2015	

## RESOLUTION DEDICATING EAST ELM STREET RIGHT-OF-WAY BETWEEN SOUTHEAST $35^{TH}$ STREET AND SOUTHEAST $36^{TH}$ STREET

WHEREAS, on September 23, 2013, by Roll Call 13-1508, the City Council of the City of Des Moines, Iowa, authorized acquisition of the necessary right-of-way and easements required for the UPRR Closing Mitigation Project by gift, negotiation or eminent domain; and

WHEREAS, as part of this project, property was acquired for construction of East Elm Street right-ofway between Southeast 35<sup>th</sup> Street and Southeast 36<sup>th</sup> Street; and

WHEREAS, the property described below and shown on the attached Acquisition Plats identifies the land appropriate for dedication for the East Elm Street right-of-way.

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

The parcel of City-owned land between Southeast 35<sup>th</sup> Street and Southeast 36<sup>th</sup> Street, legally described below and also shown on the attached Acquisition Plats, is hereby dedicated as public right-of-way for East Elm Street:

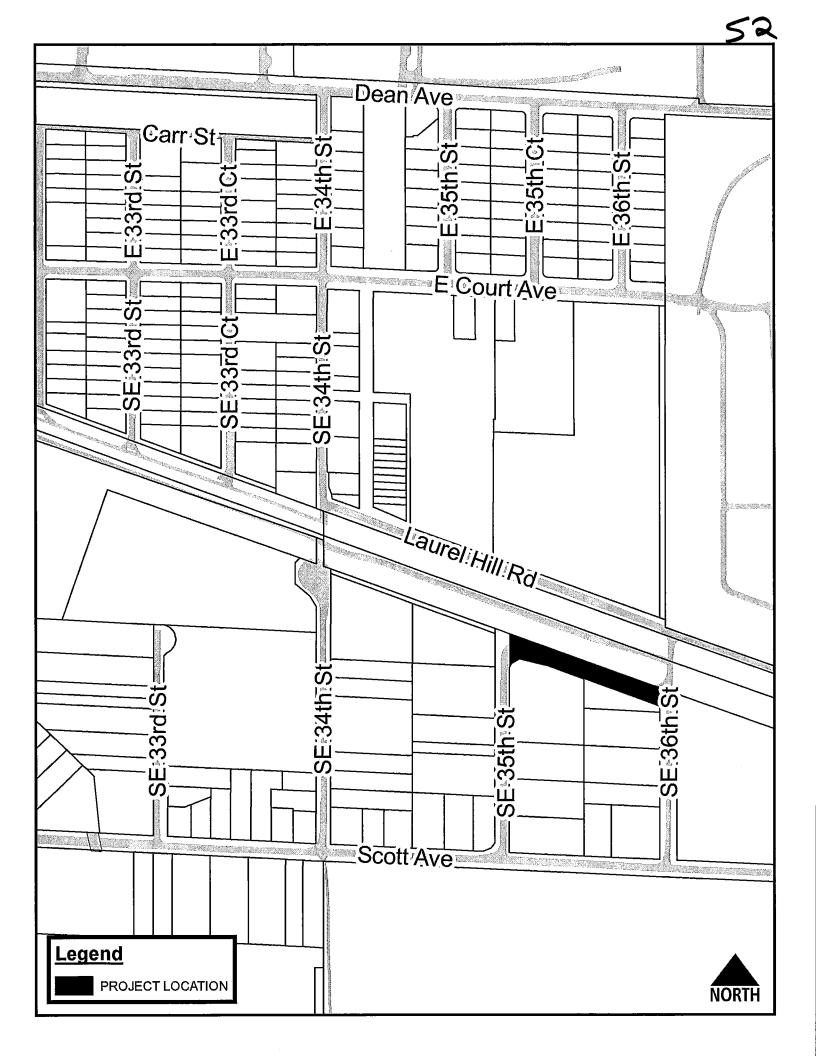
ALL THE EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOT 11 AND A PART OF LOTS 10 AND 11, BLOCK 1, JOHNSON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 10; THENCE NORTH 00° (DEGREES) 09' (MINUTES) 27" (SECONDS) EAST ALONG THE WEST LINE OF SAID BLOCK 1, A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°09'27" EAST, 119.77 FEET TO THE INTERSECTION OF THE PROJECTED WEST LINE OF SAID BLOCK 1 AND THE NORTH LINE OF LOT "A" OF SAID JOHNSON PLACE; THENCE SOUTH 70°17'14" EAST ALONG SAID NORTH LINE, 275.26 FEET TO THE INTERSECTION OF THE PROJECTED EAST LINE OF SAID LOTS 10 AND 11; THENCE SOUTH 0°10'06" WEST ALONG SAID PROJECTED LINE, 63.67 FEET; THENCE NORTH 70°17'14" WEST 60.00 FEET SOUTH OF AND PARALLEL WITH SAID NORTH LINE OF LOT A, 134.35 FEET; THENCE NORTH 76°53'45" WEST, 99.97 FEET; THENCE SOUTH 60°10'45" WEST, 32.81 FEET; THENCE SOUTH 25°01'33" WEST, 16.46 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.42 ACRES (18162 S.F.);

AND

COUNCIL ACTION YEAS NAYS PASS ABSENT  COWNIE  COLEMAN  GATTO  GRAY  MAHAFFEY  MOORE  TOTAL  COUNCIL ACTION YEAS NAYS PASS ABSENT  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.	THE NORTHERLY 44.00 FEET (AS MEASURED PERPENDICULAR TO THE NORTHERLY LINE) OF LOT 1, BLOCK 1, JOHNSON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY IOWA AND CONTAINING 0.28 ACRES (12371 S.F.);  AND  THE EAST/WEST VACATED ALLEY LYING NORTH OF AND ADJOINING LOT 1, BLOCK 1, JOHNSON PLACE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES. CONTAINING 0.10 ACRES (4499 S.F.).  Moved by	Roll Call	Numl	oer			Agenda Item Number
LINE) OF LOT 1, BLOCK 1, JOHNSON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY IOWA AND CONTAINING 0.28 ACRES (12371 S.F.);  AND  THE EAST/WEST VACATED ALLEY LYING NORTH OF AND ADJOINING LOT 1, BLOCK 1, JOHNSON PLACE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES. CONTAINING 0.10 ACRES (4499 S.F.).  Moved by	LINE) OF LOT 1, BLOCK 1, JOHNSON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY IOWA AND CONTAINING 0.28 ACRES (12371 S.F.);  AND  THE EAST/WEST VACATED ALLEY LYING NORTH OF AND ADJOINING LOT 1, BLOCK 1, JOHNSON PLACE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES. CONTAINING 0.10 ACRES (4499 S.F.).  Moved by	Date Augu	ust 24, 2	2015	***		
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APPROVED AS TO FORM:    Council Action   Yeas   Nays   Pass   Absent	APPROVED AS TO FORM:    Council Action   YEAS   NAYS   PASS   ABSENT	JOHNSON PL	ACE, A	N OFF	ICIAL	PLAT N	IOW INCLUDED IN AND FORMING A PART OF
COUNCIL ACTION YEAS NAYS PASS ABSENT COLEMAN IN 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.	COUNCIL ACTION YEAS NAYS PASS ABSENT COWNIE COLEMAN GATTO GRAY HENSLEY MAHAFFEY MOORE TOTAL  COUNCIL ACTION YEAS NAYS PASS ABSENT CERTIFICATE  COUNCIL ACTION SAID CITY OF ASSENT CERTIFICATE  CERTIFICATE  COUNCIL ACTION SAID CITY OF ASSENT CERTIFICATE  COUNCIL ACTION SAID CITY OF ASSENT CERTIFICATE  COUNCIL ACTION SAID CITY OF ASSENT CERTIFICATE  I, DIANE RAUH, City Clerk of said City hereb 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 m hand and affixed my seal the day and year first above written.			Mov	ed by _		to adopt.
COWNIE  COLEMAN  GATTO  GRAY  HENSLEY  MAHAFFEY  MOORE  TOTAL  COUNIE  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.	COWNIE  COLEMAN  GATTO  GRAY  HENSLEY  MAHAFFEY  MOORE  TOTAL  COUNIE  I, DIANE RAUH, City Clerk of said City hereb 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 m hand and affixed my seal the day and year first above written.		d, Assis	Stant Ci	ty Atto	rney	
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.    MAHAFFEY   IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.	I, DIANE RAUH, City Clerk of said City hereb 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.  MAHAFFEY  MOORE  TOTAL  I, DIANE RAUH, City Clerk of said City hereb 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 m hand and affixed my seal the day and year first above written.	COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE
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MOORE hand affixed my seal the day and year first above written.	MOORE hand affixed my seal the day and year first above written.	HENSLEY					
TOTAL above written.	TOTAL above written.	MAHAFFEY					
		MOORE				ļ <b>.</b>	
	MOTION CARRIED APPROVED APPROVED		1		<u> </u>		

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PREPARED BY AND RETURN TO APHAYMANY J. KHONGMALY. CITY OF DES MOINES - 400 ROBERT D. RAY DRIVE, DES MOINES, IOWA 50309 - 515-283-4050 ACQUISITION \_\_\_63.06' 570° 17'14"E -1/5" REBAR OF PROPERTY BEING CONVEYED TO THE CITY OF DES MOINES UNION PACIFIC RAILROAD LOT 11 と REBAR N76\*53'45"W 16.46' 525° 01'33" w JOHNZON BY 134.35 POINT OF BEGINNING LOT 10 DESCRIPTION: LEGEND FOUND MONUMENT (AS NOTED) ALL THE EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF SET 5/8" REBAR W/YELLOW PLASTIC CAP #20297 (UNLESS NOTED OTHERWISE) AND ADJOINING LOT 11 AND A PART OF LOTS 10 AND 11. LOT 1 BLOCK 1. JOHNSON PLACE. AN OFFICIAL PLAT. NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES. POLK 35TH STREE 130.00' No"09'27' SECTION CORNER FOUND (AS NOTED) COUNTY. IDWA AND DESCRIBED AS FOLLOWS: SECTION CORNER SET 5/8" REBAR W/YELLOW PLASTIC CAP #20297 (UNLESS NOTED DTHERWISE) COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 10: CALCULATED CORNER THENCE NORTH OO' (DEGREES) 09' (MINUTES) 27" (SECONDS) MEASURED DIMENSION EAST ALONG THE WEST LINE OF SAID BLOCK 1, A DISTANCE \$ SURVEYED DIMENSION OF 130.00 FEET TO THE POINT OF BEGINNING: THENCE CONTINUING NORTH 0°09'27" EAST, 119.77 FEET TO THE R RECORDED DIMENSION INTERSECTION OF THE PROJECTED WEST LINE OF SAID BLOCK DEEDED DIMENSION 1 AND THE NORTH LINE OF LOT "A" OF SAID JOHNSON PLACE: OPC DRANGE PLASTIC CAP THENCE SOUTH 70°17'14" EAST ALONG SAID NORTH LINE. YPC YELLOW PLASTIC CAP 275.26 FEET TO THE INTERSECTION OF THE PROJECTED EAST % REBAR SW CORNER LOT 10, BLOCK 1 LINE OF SAID LOTS 10 AND 11; THENCE SOUTH 0°10'06" FEE SIMPLE INTEREST 130.22' C 13 WEST ALONG SAID PROJECTED LINE, 63.67 FEET: THENCE --- SECTION LINE NORTH 70°17'14" WEST 60.00 FEET SOUTH OF AND PARALLEL --- PROPERTY LINE WITH SAID NORTH LINE OF LOT A. 134.35 FEET: THENCE ---- LOT LINE NORTH 76°53'45" WEST, 99.97 FEET; THENCE SOUTH 130' 60°10'45" WEST, 32.81 FEET: THENCE SOUTH 25°01'33" WEST, 16.46 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.42 ACRES (18162 S.F.) ADDRESS: 405 SE 35TH STREET SURVEY REQUESTED BY: DES MOINES, IA 50317 CITY OF DES MOINES 1" = 40' 400 ROBERT D. RAY DRIVE OWNER: DEAN E. LETTINGTON DES MOINES. IOWA 50309 RUBY N. LETTINGTON 20 E25 9-19-14 (SCALE FEET) DATE OF SURVEY: 11-26-2013 TAX PARCEL NO.: 050/02379-002-000 I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A ANNEL JICENSED PROFESSIONAL LAND SURVEYOR UNDER THE T DEPARTMENT OF ENGINEERING CITY OF DES MOINES, IOWA (515) 283-4931 SE 34th/SE 36th Improv e UPRR
ACT. 1.D. 06-2014-004 PT - 4 9/19/2014 EXHIBIT. MY LICENSE RENEWAL DATE IS DECEMBER 31, \_ 1 OF PAGES OR SHEETS COVERED BY THIS SEAL: \_ 1 OF 1 SHEET Rev/By

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4/4/2014 1:59:25 PM T:\<u>EMG\Dasign\86\2014\884\Plats\86-2814-804--Parcol</u> 6.fe PREPARED BY AND RETURN TO APHAYMANY J. KHONGMALY, CITY OF DES MOINES - 400 ROBERT D. RAY DRIVE DES MOINES. IOWA 50309 - 515-283-4050 ACQUISITION -½° REBAR OF PROPERTY BEING CONVEYED TO THE CITY OF DES MOINES No 16.98' No 10'06"E οſ OT 11 UNION PACIFIC RAILROAD151.39' C 151.32' N0° 10'06"E 1/5" REBAR NE CORNER LOT A Lar 10 æ 36TH STREE 265.14' C 264.69' P \$87° 28'12" E LOT 2 335.02' W ½°REBAR SW CORNER LOT 2 ½ REBAR LEGEND SET 5/8" REBAR W/YELLOW PLASTIC CAP #20297 (UNLESS NOTED OTHERWISE) ADDRESS: N/A SURVEY REQUESTED BY: DES MOINES. 1A 50317 CITY OF DES MOINES 400 ROBERT D. RAY DRIVE (UNLESS NOTED OTHERWISE /
SECTION CORNER FOUND
SECTION CORNER
SET 5/8" REBAR W/YELLOW
PLASTIC CAP #20297
(UNLESS NOTED OTHERWISE) OWNER: MICHAEL J. NERVIG DES MOINES. 10WA 50309 DATE OF SURVEY: 11-26-2013 TAX PARCEL NO.: 050/02370-002-000 CALCULATED CORNER CALCULATED DIMENSION DESCRIPTION: R RECORDED DIMENSION D DEEDED DIMENSION TAX SALE DEED BOOK 13105, PAGE 511 OPC DRANGE PLASTIC CAP YPC YELLOW PLASTIC CAP E/W VAC ALLEY N & ADJ LOT 1 BLK 1 JOHNSON PLACE. AN OFFICIAL PLAT 1" = 40" NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES. FEE SIMPLE INTEREST --- SECTION LINE CONTAINING 0.10 ACRES (4499 S.F.). - PROPERTY LINE 20 ESS 4-7-14 --- LOT LINE (SCALE FEET) I HEREBY CERTIFY THAT THIS LAND SURVETING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFURMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF JOWA. DEPARTMENT OF ENGINEERING CITY OF DES MOINES, IOWA (515) 283-4931 SE 34th/SE 36th Improv & UPRR ACT. I.D. 06-2014-004 FT-6 4-4-2014 EXHIBIT APHAYMANY & KHONGMARY LICENSE NO. 20297 MY LICENSE RENEWAL DATE IS DECEMBER 31, .. 1 OF PAGES OR SHEETS COVERED BY THIS SEAL: SHEET Rev/By