



Roll Call Number

Agenda Item Number

57A

Date September 14, 2015


An Ordinance entitled, "AN ORDINANCE vacating 27th Street from Forest Avenue to Carpenter Avenue, and Carpenter Avenue from 25th Street to 27th Street, and the 16 foot wide north/south alley from Forest Avenue to a point approximately 320.5 feet to the south and repealing Ordinance No. 15,383",

presented.

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

FORM APPROVED:

(First of three required readings)


Lisa A. Wieland
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
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.

MOTION CARRIED APPROVED

Mayor

City Clerk

Prepared by: Lisa A. Wieland, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4124
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

ORDINANCE NO. _____

AN ORDINANCE vacating 27th Street from Forest Avenue to Carpenter Avenue, and Carpenter Avenue from 25th Street to 27th Street, and the 16 foot wide north/south alley from Forest Avenue to a point approximately 320.5 feet to the south and repealing Ordinance No. 15,383.

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

WHEREAS, by Ordinance No. 15,383, passed July 13, 2015, after notice and public hearing, the City Council intended to vacate 27th Street from Forest Avenue to Carpenter Avenue, and Carpenter Avenue from 25th Street to 27th Street, and the 16 foot wide north/south alley from Forest Avenue to a point approximately 320.5 feet to the south.

WHEREAS, the legal description in Ordinance No. 15,383 and corresponding deed contained a scrivener's error which must be corrected in order to effectuate the proposed vacation and conveyance to Drake University.

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 27th Street from Forest Avenue to Carpenter Avenue, and Carpenter Avenue from 25th Street to 27th Street, and the 16 foot wide north/south alley from Forest Avenue to a point 320.5 feet to the south, more specifically described as follows, be and is hereby vacated:

-EXCEPT A PORTION OF VACATED CARPENTER AVE RIGHT OF WAY (ORDINANCE 11,984) LYING BETWEEN 25TH STREET AND 27TH STREET MORE SPECIFICALLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 75 FEET WEST OF THE SOUTHEAST CORNER OF LOT 91 IN UNIVERSITY PLACE, AN OFFICIAL PLAT, SAID POINT ALSO LYING ON THE NORTH RIGHT OF WAY LINE OF CARPENTER AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE

EAST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 216 FEET; THENCE SOUTH AND PERPENDICULAR TO SAID NORTH RIGHT OF WAY LINE, 14 FEET; THENCE WEST AND PARALLEL TO SAID NORTH RIGHT OF WAY LINE, 216 FEET; THENCE NORTH AND PERPENDICULAR TO SAID NORTH RIGHT OF WAY LINE, 14 FEET TO THE POINT OF BEGINNING-, ALL THAT PART OF CARPENTER AVENUE RIGHT OF WAY LYING BETWEEN THE SOUTHERLY EXTENSION OF THE WEST RIGHT OF WAY LINE OF 27TH STREET AND THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 65 IN SAID UNIVERSITY PLACE; AND

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING BETWEEN THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 104 AND THE EASTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 42.5 FEET OF LOT 109, ALL IN UNIVERSITY PLACE, AN OFFICIAL PLAT; AND

ALL THAT PART OF THE 27TH STREET RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 104 THROUGH 116 IN SAID UNIVERSITY PLACE;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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, and subject to a permanent no-build restriction and a 20-foot wide access easement reserved by the City of Des Moines for fire department access.

Sec. 3. That Ordinance No. 15,383, passed July 13, 2015, is hereby repealed. This Ordinance shall replace Ordinance No. 15,383.

Sec. 4. 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. 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:


Lisa A. Wieland
Assistant City Attorney