



Roll Call Number

Agenda Item Number

53A

Date November 23, 2015

An Ordinance entitled, "AN ORDINANCE vacating air space over portions of Mulberry Street, 9th Street, and east/west alley rights-of-way adjoining 915 Mulberry Street",

presented.

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

FORM APPROVED:

(First of three required readings)

[Signature]
Lisa A. Wieland
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include 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

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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 air space over portions of Mulberry Street, 9<sup>th</sup> Street, and east/west alley rights-of-way adjoining 915 Mulberry 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 air space over portions of Mulberry Street, 9<sup>th</sup> Street, and east/west alley rights-of-way adjoining 915 Mulberry Street, more specifically described as follows, be and is hereby vacated:

ALL OF THE AIR SPACE FOR THAT PART OF THE EAST-WEST ALLEY LYING NORTH OF AND ADJOINING LOT 2, BLOCK 2, WEST FORT DES MOINES, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 74°(DEGREES) 10'(MINUTES) 15"(SECONDS) WEST ALONG THE NORTH LINE OF SAID LOT 2 AND ALONG THE SOUTH LINE OF SAID ALLEY AS IT IS PRESENTLY ESTABLISHED, A DISTANCE OF 27.34 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°10'15" WEST ALONG SAID SOUTH LINE OF ALLEY, A DISTANCE OF 12.00 FEET; THENCE NORTH 15°44'02" WEST, A DISTANCE OF 16.50 FEET TO THE NORTH LINE OF SAID ALLEY; THENCE NORTH 74°10'15" EAST ALONG SAID NORTH LINE, A DISTANCE OF 12.00 FEET; THENCE SOUTH 15°44'02" EAST, A DISTANCE OF 16.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 198.00 SQUARE FEET, WHICH IS BELOW A PLANE ELEVATION OF 64.75 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 48.50 FEET CITY DATUM. ASSUMED GROUND ELEVATION BEING AT OR NEAR 37.50 FEET CITY DATUM,

ALL OF THE AIR SPACE FOR THAT PART OF MULBERRY STREET RIGHT-OF-WAY ADJOINING LOT 1, BLOCK 12, H.M. HOXIE'S ADDITION TO THE TOWN OF FORT DES MOINES, IOWA, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 15°(DEGREES) 22'(MINUTES) 47"(SECONDS) EAST ALONG THE SOUTHERLY PROJECTION OF THE EAST LINE OF SAID LOT 1, A DISTANCE OF 2.00 FEET; THENCE SOUTH 74°10'12" WEST PARALLEL WITH AND 2.00 FEET SOUTH OF THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 13.00 FEET; THENCE NORTH 15°22'47" WEST, A DISTANCE OF 2.00 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 74°10'12" EAST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 13.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 26.00 SQUARE FEET, WHICH IS BELOW A PLANE ELEVATION OF 97.50 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 83.00 FEET CITY DATUM. ASSUMED GROUND ELEVATION BEING AT OR NEAR 37.00 FEET CITY DATUM,

ALL OF THE AIR SPACE FOR THAT PART OF 9<sup>th</sup> STREET RIGHT-OF-WAY ADJOINING LOT 1, BLOCK 12, H.M. HOXIE'S ADDITION TO THE TOWN OF FORT DES MOINES, IOWA, AN OFFICIAL PLAT, AND LOT 2, BLOCK 2, WEST FORT DES MOINES, AN OFFICIAL PLAT, ALL IN DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 15°(DEGREES) 22'(MINUTES) 47"(SECONDS) WEST ALONG THE EAST LINE OF SAID LOT 1 AND ALONG THE EAST LINE OF SAID LOT 2, AND ALONG THE WEST RIGHT-OF-WAY LINE OF 9TH STREET AS IT IS PRESENTLY ESTABLISHED, A DISTANCE OF 32.40 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°22'47" WEST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 71.50 FEET; THENCE NORTH 74°37'13" EAST, A DISTANCE OF 1.80 FEET; THENCE SOUTH 15°42'01" EAST, A DISTANCE OF 71.50 FEET; THENCE SOUTH 74°37'13" WEST, A DISTANCE OF 1.80 FEET TO THE POINT OF BEGINNING AND CONTAINING 128.70 SQUARE FEET, WHICH IS BELOW A PLANE ELEVATION OF 46.25 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 45.25 FEET CITY DATUM. ASSUMED GROUND ELEVATION BEING AT OR NEAR 37.00 FEET CITY DATUM.

ALL OF THE AIR SPACE FOR THAT PART OF MULBERRY STREET RIGHT-OF-WAY ADJOINING LOT 1, BLOCK 12, H.M. HOXIE'S ADDITION TO THE TOWN OF FORT DES MOINES, IOWA, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 74°(DEGREES) 10'(MINUTES) 12"(SECONDS) WEST ALONG THE SOUTH LINE OF SAID LOT 1 AND ALONG THE NORTH RIGHT-OF-WAY LINE OF MULBERRY STREET AS IT IS PRESENTLY ESTABLISHED, A DISTANCE OF 73.25 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°44'02" EAST, A DISTANCE OF 3.73 FEET; THENCE

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SOUTH 74°17'46" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 15°44'02" WEST, A DISTANCE OF 3.69 FEET; THENCE NORTH 74°10'12" EAST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 74.20 SQUARE FEET, WHICH IS BELOW A PLANE ELEVATION OF 59.25 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 58.25 FEET CITY DATUM. ASSUMED GROUND ELEVATION BEING AT OR NEAR 37.00 FEET CITY DATUM.

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:



Lisa A. Wieland  
Assistant City Attorney