

Date April 25, 2016

An Ordinance entitled, "AN ORDINANCE vacating a portion of 13th Street adjoining 1301 Locust Street, for use as a sidewalk cafe",

presented.

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

FORM APPROVED:

Roger K. Brown

Roger K. Brown
Assistant City Attorney

(First of three required readings)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| HENSLEY | | | | |
| MOORE | | | | |
| WESTERGAARD | | | | |
| 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

59A

ORDINANCE NO. _____

AN ORDINANCE vacating a portion of 13th Street adjoining 1301 Locust Street, for use as a sidewalk cafe.

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, as follows:

Section 1. That a portion of 13th Street adjoining 1301 Locust Street, more specifically described as follows, be and is hereby vacated:

The South 50.0 feet of the East 6.41 feet of the West 9.21 feet of Lot 7, in Block 1, Allen's Addition to the City of Des Moines, Polk County, Iowa, all now being a part of the Thirteenth (13th) Street right-of-way, and more specifically described as follows:

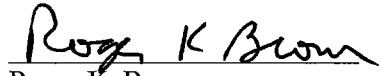
Commencing at the southwest corner of said Lot 7; thence North 74°12'17" East, a distance of 2.80 feet to the westerly right-of-way line of said 13th Street and the Point of Beginning; thence continuing North 74°12'17" East a distance of 6.41 feet; thence North 15°08'49" West, a distance of 50.00 feet; thence South 74°12'17" West to the westerly right-of-way line of said 13th Street, a distance of 6.41 feet; thence South 15°08'49" East along said right-of-way line, a distance of 50.00 feet to the Point of Beginning, containing 321 square feet, more or less.

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.

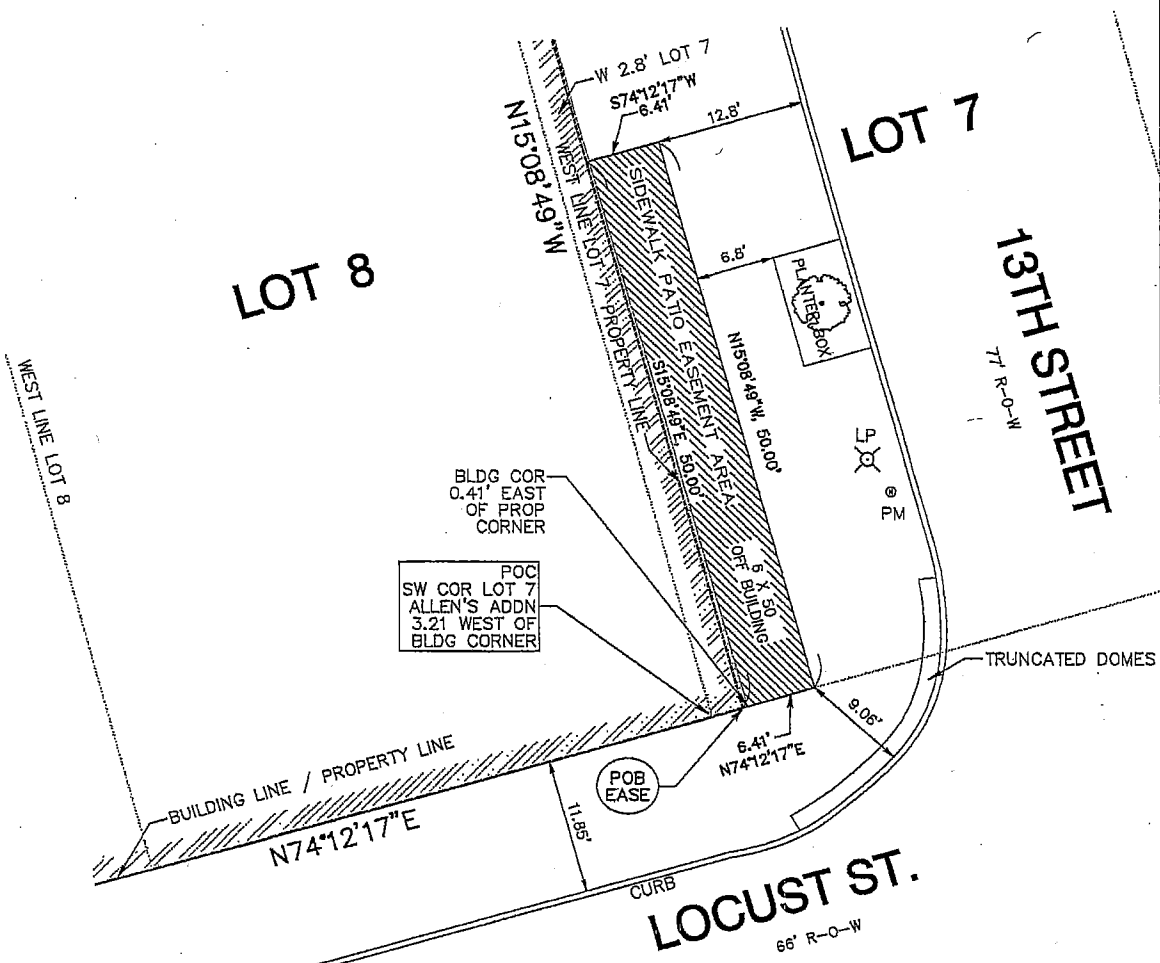
FORM APPROVED:



Roger K. Brown

Assistant City Attorney

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EASEMENT PLAT

FOR:

PROOF RESTURANT/SEAN WILSON
 1301 LOCUST STREET
 DES MOINES, IOWA 50309
 PH: 515.537.6894

BUILDING OWNER:

1301 LOCUST PROPERTIES LLC
 LEGAL DEPARTMENT
 6400 WESTOWN PKWY
 WEST DES MOINES, IA 50266

DESCRIPTION OF EASEMENT:

AN EASEMENT FOR RIGHT-OF-WAY ENCROACHMENT LYING WITHIN THE SOUTH 50 FEET OF THE EAST 6.41 FEET OF THE WEST 9.21 FEET OF LOT 7 IN BLOCK 1 OF ALLEN'S ADDITION TO THE CITY OF DES MOINES, POLK COUNTY IOWA, ALL NOW BEING A PART OF THIRTEENTH (13TH) STREET RIGHT-OF-WAY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 7; THENCE NORTH 74°12'17" EAST, A DISTANCE OF 2.80 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID 13TH STREET AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°12'17" EAST, A DISTANCE OF 6.41 FEET; THENCE NORTH 15°08'49" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 74°12'17" WEST TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID 13TH STREET, A DISTANCE OF 6.41 FEET; THENCE SOUTH 15°08'49" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 321 SQUARE FEET, MORE OR LESS, AND SUBJECT TO ALL RESTRICTIONS.

NOTES:

- 1) BOUNDARY LINES AND RIGHT-OF-WAY LINES WERE DETERMINED BY A SURVEY USING CITY OF DES MOINES CONTROL MONUMENTS AND THE BEARINGS SHOWN HEREON ARE BASED ON THE IOWA STATE PLANE COORDINATE SYSTEM (SOUTH ZONE).
- 2) THE EAST LINE OF THE BUILDING SHOWN IN THIS SKETCH, ENCHROACHES 0.41 INTO THE R-O-W OF 13TH STREET. THE MAXIMUM ENCHROACHMENT IS 0.41 FEET AT THE SOUTHEAST CORNER OF BUILDING.

DATES OF SURVEY FIELD WORK: 5/1/15

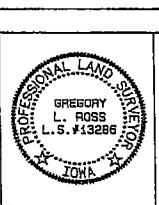
GRAPHIC SCALE 1"=10'

ROSS land SURVEYING, Inc.
 PO Box 336
 Johnston, Iowa 50131
 PHONE: 515.254.2567
 www.rossandsurveying.com

REVISIONS AND SUBMITTALS

TO CLIENT 5/2/15

EASEMENT PLAT
 PT OF LOT 7, BLOCK 1
 ALLEN'S ADDITION
 TO DES MOINES



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Signed: *Gregory L. Ross* 5/2/15
 GREGORY L. ROSS Iowa Reg. No. 13286 Date
 My license renewed date is December 31, 2016

- FOUND CORNER
- SET 1/2" IR
- W/opc [W/orange plastic cap #12285]
- CUT "X"
- SECTION CORNER
- WITH (color)
- SURVEYOR'S ID CAP
- IR (color)
- IRON PIPE
- IRON ROD
- MEASURED DISTANCE
- RECORD DISTANCE

JOB # 4867