

★ **Roll Call Number**

Agenda Item Number

45

Date September 26, 2016

An Ordinance entitled, "AN ORDINANCE vacating an irregular segment of 15th Street right-of-way located east of and adjoining 1514 Walnut Street",

which was considered and voted upon under Roll Call No. 16- 1567 of September 12, 2016; again presented.

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

(Second of three required readings)

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

ORDINANCE NO. _____

AN ORDINANCE vacating an irregular segment of 15th Street right-of-way located east of and adjoining 1514 Walnut 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 an irregular segment of 15th Street right-of-way located east of and adjoining 1514 Walnut Street, more specifically described as follows, be and is hereby vacated:

Part of 15th Street right-of-way being part of Lots 14, 15 and 17 in the Official Plat of Lots 1, 2, 3 and 4 in Block 42 of Jonathan Lyon's Addition to Fort Des Moines, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa, and being more particularly described as follows:

Commencing at the Northeast corner of Lot 1 in the said Official Plat of Lots 1, 2, 3 and 4 in Block 42 of Jonathan Lyon's Addition to Fort Des Moines; thence South 15°(degrees) 43'(minutes) 09"(seconds) East, 120.14 feet along the East lines of Lots 1, 17 and 16 in the said Official Plat of Lots 1, 2, 3 and 4 in Block 42 of Jonathan Lyon's Addition to Fort Des Moines; thence South 74°05'29" West, 77.90 feet to the Point of Beginning; thence continuing South 74°05'29" West, 19.00 feet to the present West right-of-way line of said 15th Street; thence northerly 71.72 feet along the arc of a curve in the present West right-of-way line of said 15th Street concave westerly and having a radius of 171.00 feet, a central angle of 24°01'55", and a 71.20 feet long chord that bears North 27°35'10" East; thence South 14°14'42" West, 59.73 feet to the point of beginning, containing 312 square feet.

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 until such time that they are abandoned or relocated, with the right of entry for servicing same and subject to a no-build easement.

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