



**Roll Call Number**

**Agenda Item Number**

48A

**Date** January 23, 2017


An Ordinance entitled, "AN ORDINANCE vacating City-owned right-of-way adjoining 401 Southeast 6<sup>th</sup> Street and 400 Southeast 7<sup>th</sup> Street",

presented.

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

FORM APPROVED:

(First of three required readings)

  
Glenna K. Frank  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
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

48A

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4530  
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE vacating City-owned right-of-way adjoining 401 Southeast 6<sup>th</sup> Street and 400 Southeast 7<sup>th</sup> 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 City-owned right-of-way adjoining 401 Southeast 6<sup>th</sup> Street and 400 Southeast 7<sup>th</sup> Street, Des Moines, Iowa (hereinafter "Property"), more specifically described as follows, be and is hereby vacated:

- (a) Segment of north/south alley between Southeast 6<sup>th</sup> Street and Southeast 7<sup>th</sup> Street to a point approximately 112 feet to the south of Raccoon Street:

ALL OF THE 18.00 FOOT WIDE NORTH - SOUTH ALLEY RIGHT OF WAY IN BLOCK 42, TOWN OF DE MOINE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, LYING EAST OF AND ADJOINING LOTS 1 AND 2 IN SAID BLOCK 42, TOWN OF DE MOINE, TRACT OF LAND CONTAINS 2,011 SQUARE FEET.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

- (b) Irregular segment of undeveloped East Martin Luther King Jr. Parkway right-of-way south of and adjoining the Property:

AN IRREGULAR SHAPED PORTION OF LOT 2 AND AN IRREGULAR SHAPED PORTION OF THE EAST ML KING JR PARKWAY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 2 AND 9 AND THE INTERVENING ALLEY IN BLOCK 42, TOWN OF DE MOINE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA; ALL MORE

PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 9; THENCE S14°53'27"E ALONG THE SOUTHEASTERLY EXTENSION OF THE EAST LINE OF SAID LOT 9, A DISTANCE OF 21.95 FEET; THENCE S74°57'52"W, A DISTANCE OF 267.81 FEET; THENCE NORTHWESTERLY ALONG A 77.50 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A DISTANCE OF 56.76 FEET TO THE WEST LINE OF SAID LOT 2, SAID CURVE HAVING A CHORD BEARING OF N79°48'35"W AND A CHORD LENGTH OF 55.50 FEET; THENCE N14°49'54"W ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 16.34 FEET; THENCE S76°08'47"E, A DISTANCE OF 37.22 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE N74°58'37"E ALONG THE SOUTH LINE OF SAID LOT 2, AND ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 2, AND ALONG THE SOUTH LINE OF SAID LOT 9, A DISTANCE OF 285.43 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 6,500 SQUARE FEET.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

- (c) 6.01-foot by 318-foot segment of Raccoon Street right-of-way north of and adjoining the Property (as revised from reference to 14.6-foot by 244.8-foot segment referenced in Roll Call No. 17-0067):

AN IRREGULAR SHAPED PORTION OF THE RACCOON STREET RIGHT OF WAY LYING NORTH OF AND ADJOINING BLOCK 42, TOWN OF DE MOINE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 42; THENCE S74°57'52"W ALONG THE NORTH LINE OF SAID BLOCK 42, A DISTANCE OF 317.97 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 42; THENCE N30°00'30"E, A DISTANCE OF 8.51 FEET; THENCE N74°57'52"E, A DISTANCE OF 311.96 FEET; THENCE S14°53'27"E ALONG THE NORTHWESTERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 42, A DISTANCE OF 6.01 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 1,894 SQUARE FEET.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

- (d) The west 10 feet of Southeast 7<sup>th</sup> Street east of and adjoining the Property:

A 10.00 FOOT WIDE STRIP OF THE SE 7TH STREET RIGHT OF WAY LYING EAST OF AND ADJOINING BLOCK 42 AND ITS NORTHERLY AND SOUTHERLY EXTENSIONS, TOWN OF DE MOINE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 42; THENCE N14°53'27"W ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 42, A DISTANCE OF 6.01 FEET; THENCE N74°57'52"E, A DISTANCE OF 10.00 FEET; THENCE S14°53'27"E, A DISTANCE OF 139.83 FEET; THENCE S74°57'52"W, A DISTANCE OF 10.00 FEET; THENCE



N14°53'27"W ALONG THE SOUTHEASTERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 42 AND ALONG THE EAST LINE OF SAID BLOCK 42, A DISTANCE OF 133.83 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 1,398 SQUARE FEET. SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

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:



Glenna K. Frank  
Assistant City Attorney