

★ Roll Call Number

Agenda Item Number

37

Date February 6, 2016

An Ordinance entitled, "AN ORDINANCE vacating a fee interest and subsurface rights within portions of the Watson Powell Jr. Way street right-of-way and the adjacent north/south alley right-of-way, all of which adjoin 550 Watson Powell Jr. Way",

which was considered and voted upon for the first time under Roll Call No. 17- 0069 of January 9, 2017, and considered and voted upon for the second time under Roll Call No. 17- 0128 of January 23, 2017, again presented.

Moved by _____ that this ordinance do now pass.

ORDINANCE NO. _____

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

~~11-0000~~
~~SFA~~
~~17/0/28~~
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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 a fee interest and subsurface rights within portions of the Watson Powell Jr. Way street right-of-way and the adjacent north/south alley right-of-way, all of which adjoin 550 Watson Powell Jr. Way.

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

WHEREAS, it is desirable that said 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 a fee interest and subsurface rights within portions of the Watson Powell Jr. Way street right-of-way and the adjacent north/south alley right-of-way, all of which adjoin 550 Watson Powell Jr. Way, more specifically described as follows, be and are hereby vacated:

FEE INTEREST:

THAT PART OF RIGHT OF WAY OF WATSON POWELL JR WAY LYING IN A PART OF LOT 2, C.H. ATKIN'S SUBDIVISION OF LOT 13 OF THE OFFICIAL PLAT OF BLOCK 'T' IN GRIMMEL'S ADDITION, AN OFFICIAL PLAT AND THAT PART OF THE ALLEY LYING EAST OF SAID LOT 2, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 3, SAID C.H. ATKIN'S SUBDIVISION OF LOT 13 OF THE OFFICIAL PLAT OF BLOCK 'T' IN GRIMMEL'S ADDITION; THENCE NORTH 28°31'35" EAST, 10.25 FEET; THENCE SOUTH 89°26'20" EAST, 80.12 FEET; THENCE SOUTH 06°14'07" EAST, 9.12 FEET TO THE NORTH LINE OF LOT 6, ALHAMBRA NO. 2, AN OFFICIAL PLAT; THENCE NORTH 89°26'20" WEST ALONG SAID NORTH LINE, 2.95 FEET TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE NORTH 89°26'20" WEST, 9.06 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE NORTH 89°26'20" WEST ALONG THE NORTH LINE OF

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84H
17.0128
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SAID LOT 3, A DISTANCE OF 74.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 752 SQUARE FEET. THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

AND

SUBSURFACE RIGHTS:

THAT PART OF SUBSURFACE RIGHT OF WAY OF WATSON POWELL JR WAY LYING IN A PART OF LOT 2, C.H. ATKIN'S SUBDIVISION OF LOT 13 OF THE OFFICIAL PLAT OF BLOCK 'T' IN GRIMMEL'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCING NORTHEAST CORNER OF LOT 3, C.H. ATKIN'S SUBDIVISION OF LOT 13 OF THE OFFICIAL PLAT OF BLOCK 'T' IN GRIMMEL'S ADDITION, AN OFFICIAL PLAT; THENCE NORTH 89°26'20" WEST ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 26.25 FEET; THENCE NORTH 00°33'40" EAST, 9.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°26'20" WEST, 8.06 FEET; THENCE NORTH 06°11'17" WEST, 6.05 FEET; THENCE NORTH 83°48'43" EAST, 8.00 FEET; THENCE SOUTH 06°11'17" EAST, 7.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 52 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, 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