

★ **Roll Call Number**

Agenda Item Number

47

Date March 8, 2018

An Ordinance entitled, "AN ORDINANCE vacating portions of East 12th Street right-of-way adjoining 623 East 12th Street",

which was considered and voted upon under Roll Call No. 18-0312 of February 19, 2018; 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				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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

★ Roll Call Number

18-0312

Agenda Item Number

50A

47

Date February 19, 2018

An Ordinance entitled, "AN ORDINANCE vacating portions of East 12th Street right-of-way adjoining 623 East 12th Street",

presented.

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

FORM APPROVED:

(First of three required readings)

Lisa A. Wieland
Lisa A. Wieland
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

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.

Diane Rauh

City Clerk

M. Franklin Gatto
M. Franklin Gatto, Jr.

47th - 50A
18-0312

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 portions of East 12th Street right-of-way adjoining 623 East 12th 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 portions of East 12th Street right-of-way adjoining 623 East 12th Street, more specifically described as follows, be and is hereby vacated:

COMMENCING AT THE NW CORNER OF LOT 12, BLOCK 18 STEWARTS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 15°02'29" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF EAST 12TH STREET, AS PRESENTLY ESTABLISHED, A DISTANCE OF 35.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°02'13" EAST, A DISTANCE OF 26.00 FEET; THENCE SOUTH 74°57'47" WEST, A DISTANCE OF 1.00 FEET; THENCE NORTH 15°02'13" WEST, A DISTANCE OF 1.00 FEET; THENCE SOUTH 74°57'47" WEST, A DISTANCE OF 5.50 FEET; THENCE NORTH 15°02'13" WEST, A DISTANCE OF 6.25 FEET; THENCE NORTH 74°57'47" EAST, A DISTANCE OF 5.50 FEET; THENCE NORTH 15°02'13" WEST, A DISTANCE OF 18.75 FEET; THENCE NORTH 74°57'47" EAST, A DISTANCE OF 1.00 FEET TO THE POINT OF BEGINNING; AND CONTAINING 60.38 SQUARE FEET;

And

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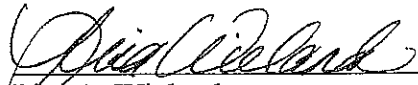
COMMENCING AT THE NW CORNER OF LOT 12, BLOCK 18 STEWARTS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 15°02'29" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF EAST 12TH STREET, AS PRESENTLY ESTABLISHED, A DISTANCE OF 35.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°02'13" EAST, A DISTANCE OF 26.00 FEET; THENCE SOUTH 74°57'47" WEST, A DISTANCE OF 2.33 FEET; THENCE NORTH 15°02'13" WEST, A DISTANCE OF 26.00 FEET; THENCE NORTH 74°57'47" EAST, A DISTANCE OF 2.33 FEET TO THE POINT OF BEGINNING; ALL BEING LOCATED BELOW A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 133 FEET AND ABOVE A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 128 FEET WITH A CITY OF DES MOINES DATUM GROUND ELEVATION OF 120 FEET; AND CONTAINING 60.58 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