



**Roll Call Number**

**Agenda Item Number**

45A

**Date** September 24, 2018


An Ordinance entitled, "AN ORDINANCE vacating a portion of West Martin Luther King, Jr. Parkway right-of-way adjoining Lot 1, Gray's Station Plat 1, Des Moines, Iowa",

presented.

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

FORM APPROVED:

(First of three required readings)

  
\_\_\_\_\_  
Lisa A. Wieland  
Assistant City Attorney

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

MOTION CARRIED

APPROVED

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

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 portion of West Martin Luther King, Jr. Parkway right-of-way adjoining Lot 1, Gray's Station Plat 1, Des Moines, Iowa.

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 a portion of West Martin Luther King, Jr. Parkway right-of-way adjoining Lot 1, Gray's Station Plat 1, Des Moines, Iowa, more specifically described as follows, be and is hereby vacated:

A PART OF THE RIGHT OF WAY OF WEST MARTIN LUTHER KING JR. PARKWAY LYING, NORTH OF LOT 1, GRAY'S STATION PLAT 1, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 84°40'04" WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 193.85 FEET; THENCE SOUTH 86°10'40" WEST CONTINUING ALONG THE SAID NORTH LINE, 100.23 FEET TO A CORNER OF SAID LOT 1; THENCE NORTH 03°49'20" WEST, 5.00 FEET; THENCE NORTH 86°10'40" EAST, 33.35 FEET; THENCE NORTH 02°05'55" WEST, 12.01 FEET; THENCE NORTH 86°10'40" EAST, 142.18 FEET; THENCE NORTH 84°40'04" EAST, 53.94 FEET; THENCE SOUTH 04°39'09" EAST, 10.00 FEET; THENCE NORTH 84°40'04" EAST, 63.94 FEET; THENCE SOUTH 05°19'56" EAST, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.08 ACRES (3,643 SQUARE FEET).

AND

A PART OF THE AIR RIGHTS IN THE RIGHT OF WAY OF WEST MARTIN LUTHER KING JR. PARKWAY LYING NORTH OF LOT 1, GRAY'S STATION PLAT 1, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 84°40'04" WEST ALONG THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 28.97 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 84°40'04" WEST ALONG SAID NORTHERLY LINE, 164.88 FEET; THENCE SOUTH 86°10'40" WEST CONTINUING ALONG SAID NORTHERLY LINE, 100.23 FEET; THENCE SOUTH 00°21'12" EAST CONTINUING ALONG SAID NORTHERLY LINE, 8.59 FEET; THENCE NORTH 89°04'27" WEST CONTINUING ALONG SAID NORTHERLY LINE, 4.11 FEET; THENCE NORTH 05°19'56" WEST, 11.14 FEET; THENCE NORTH 84°40'04" EAST, 120.17 FEET; THENCE SOUTH 05°19'56" EAST, 5.67 FEET TO SAID NORTHERLY LINE OF LOT 1; THENCE NORTH 82°14'52" EAST, 122.14 FEET; THENCE SOUTH 84°46'59" EAST, 28.17 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (959 SQUARE FEET).

APPROXIMATE GROUND ELEVATION IS 29.00 FEET WITH THE BOTTOM OF BALCONY ELEVATION BEING APPROXIMATELY 46.00 FEET AND THE TOP OF BALCONY ELEVATION BEING APPROXIMATELY 95.00 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

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