



Roll Call Number

Agenda Item Number

44A

Date November 5, 2018


An Ordinance entitled, "AN ORDINANCE amending Ordinance No. 15,698 to correct a portion of the legal description therein to permanently vacate a portion of Van Buren Street right- of-way between Southeast 4th Street and Southeast 5th Street",

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

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

44A

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 amending Ordinance No. 15,698 to correct a portion of the legal description therein to permanently vacate a portion of Van Buren Street right-of-way between Southeast 4th Street and Southeast 5th Street.

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

WHEREAS, due to a scrivener's error in Ordinance No. 15,698, it is desirable that a portion of Ordinance No. 15,698 be amended and 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 amending Ordinance No. 15,698 to repeal the legal description and replace said legal description by permanently vacating a portion of Van Buren Street right-of-way between Southeast 4th Street and Southeast 5th Street, more specifically described as follows, be and is hereby approved:

THAT PART OF EXISTING VAN BUREN STREET RIGHT-OF-WAY IN THE OFFICIAL PLAT OF THAT PART OF LOT 2 OF THE OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10-78-24, MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF BLOCK 11 OF THE SECOND PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT; THENCE 206.89' (M) N14° 21' 19.35"E TO THE POINT OF BEGINNING; THENCE 37.91' (M) N24° 47' 47.31"E, THENCE 34.28' (M) N65° 10' 15.58"W, THENCE 91.06' (M) N63° 54' 33.65"W, THENCE 28.85' (M) N26° 05' 26.35"E, THENCE 223.28 (M) S63° 54' 33.65"E, THENCE 66.02' (M) S24° 47' 47.31"W, THENCE 98.59 (M) N63° 54' 33.65"W TO POINT OF BEGINNING.


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.

Sec. 5. A corrected copy of Ordinance No. 15,698 reflecting this amendment, is attached hereto for reference.

FORM APPROVED:


Lisa A. Wieland
Assistant City Attorney

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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

CORRECTED ORDINANCE NO. 15,698

AN ORDINANCE vacating a portion of Van Buren Street right-of-way between Southeast 4th Street and Southeast 5th 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 a portion of Van Buren Street right-of-way between Southeast 4th Street and Southeast 5th Street, more specifically described as follows, be and is hereby vacated:

THAT PART OF EXISTING VAN BUREN STREET RIGHT-OF-WAY IN THE OFFICIAL PLAT OF THAT PART OF LOT 2 OF THE OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10-78-24, MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF BLOCK 11 OF THE SECOND PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT; THENCE 206.89' (M) N14° 21' 19.35"E TO THE POINT OF BEGINNING; THENCE 37.91' (M) N24° 47' 47.31"E, THENCE 34.28' (M) N65° 10' 15.58"W, THENCE 91.06' (M) N63° 54' 33.65"W, THENCE 28.85' (M) N26° 05' 26.35"E, THENCE 223.28 (M) S63° 54' 33.65"E, THENCE 66.02' (M) S24° 47' 47.31"W, THENCE 98.59 (M) N63° 54' 33.65"W TO POINT OF BEGINNING.

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.

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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