

★ Roll Call Number

Agenda Item Number

41A

Date May 6, 2019

An Ordinance entitled, "AN ORDINANCE vacating the portion of Elm Street, now known as West Martin Luther King Jr. Parkway right-of-way, located between vacated Southwest 4<sup>th</sup> Street and Southwest 5<sup>th</sup> Street and north of and adjoining 313 Southwest 5<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*  
Glenna K. Frank  
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

41A

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 the portion of Elm Street, now known as West Martin Luther King Jr. Parkway right-of-way, located between vacated Southwest 4<sup>th</sup> Street and Southwest 5<sup>th</sup> Street and north of and adjoining 313 Southwest 5<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 the portion of Elm Street, now known as West Martin Luther King Jr. Parkway right-of-way, located between vacated Southwest 4<sup>th</sup> Street and Southwest 5<sup>th</sup> Street and north of and adjoining 313 Southwest 5<sup>th</sup> Street, more specifically described as follows, be and is hereby vacated:

Beginning at the Northwest corner of Lot 3 in Factory Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence North 15°(degrees) 23'(minutes) 14"(seconds) West, 46.50 feet along the northerly extension of SW 5<sup>th</sup> Street; thence North 42°23'29" East, 49.46 feet; thence North 79°58'30" East, 181.00 feet to the Northwest corner of that part of West Martin Luther King Jr. Parkway previously vacated by City of Des Moines Ordinance No. 15,409 and described in that Quit Claim Deed filed in Book 15920 at Page 736 in the Office of the Recorder for Polk County, Iowa; thence South 15°23'34" East, 54.40 feet along the West line of said previously vacated part of West Martin Luther King Jr. Parkway to the Northeast corner of Lot 54 in Railroad Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence South 74°12'41" West, 222.06 feet along the North lines of said Lot 54 in Railroad Addition and Lot 3 in Factory Addition to the point of Beginning.

Containing 13,933 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:

  
Glenna K. Frank  
Assistant City Attorney