

★ Roll Call Number

Agenda Item Number

61A

Date October 14, 2019


An Ordinance entitled, "AN ORDINANCE vacating a portion of East 4th Street and East Grand Avenue right-of-way adjoining 418 East Grand Avenue",

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, LAURA BAUMGARTNER, Acting 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.

Acting 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 East 4th Street and East Grand Avenue right-of-way adjoining 418 East Grand Avenue.

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 East 4th Street and East Grand Avenue right-of-way adjoining 418 East Grand Avenue, more specifically described as follows, be and is hereby vacated:

Subsurface Area

A PART OF THE EAST 4TH STREET AND EAST GRAND AVENUE RIGHTS-OF-WAY LYING ADJACENT TO PARCEL 2018-107 AS RECORDED IN BOOK 17050, PAGE 789 OF THE POLK COUNTY RECORDER'S OFFICE, AND ALL IN EAST FORT DES MOINES, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST OF CORNER OF SAID PARCEL 2018-107; THENCE NORTH 74°49'57" EAST ALONG THE SOUTH LINE OF SAID PARCEL 2018-107, A DISTANCE OF 141.33 FEET; THENCE SOUTH 15°12'42" EAST, 4.00 FEET; THENCE SOUTH 74°49'57" WEST, 144.33 FEET; THENCE NORTH 15°17'24" WEST, 173.91 FEET; THENCE NORTH 74°47'18" EAST, 3.00 FEET TO THE WEST LINE OF SAID PARCEL 2018-107; THENCE SOUTH 15°17'24" EAST ALONG SAID WEST LINE, 169.92 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRES (1,087 S.F.);

AND

Air Space Area

A PART OF THE EAST 4TH STREET AND EAST GRAND AVENUE RIGHTS-OF-WAY LYING ADJACENT TO PARCEL 2018-107 AS RECORDED IN BOOK 17050, PAGE 789 OF THE POLK COUNTY RECORDER'S OFFICE, AND ALL IN EAST FORT DES MOINES, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

AREA "A"

BEGINNING AT THE SOUTHWEST OF CORNER OF SAID PARCEL 2018-107; THENCE NORTH 74°49'57" EAST ALONG THE SOUTH LINE OF SAID PARCEL 2018-107, A DISTANCE OF 138.01 FEET; THENCE SOUTH 15°10'03" EAST, 3.00 FEET; THENCE SOUTH 74°49'57" WEST, 141.00 FEET; THENCE NORTH 15°17'24" WEST, 53.00 FEET; THENCE NORTH 74°42'36" EAST, 3.00 FEET TO THE WEST LINE OF SAID PARCEL 2018-107; THENCE SOUTH 15°17'24" EAST ALONG SAID WEST LINE, 50.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (573 S.F.) LYING BETWEEN ELEVATIONS 41.70 AND 42.70 FEET CITY OF DES MOINES VERTICAL DATUM (REFERENCE GROUND ELEVATION OF 25.70 FEET AT BUILDING SOUTHWEST ENTRANCE DOOR).

AREA "B"

COMMENCING AT THE SOUTHWEST OF CORNER OF SAID PARCEL 2018-107; THENCE NORTH 15°17'24" WEST ALONG THE WEST LINE OF SAID PARCEL 2018-107, A DISTANCE OF 85.17 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 74°42'36" WEST, 3.00 FEET; THENCE NORTH 15°17'24" WEST, 28.33 FEET; THENCE NORTH 74°42'36" EAST, 3.00 FEET; THENCE SOUTH 15°17'24" EAST, 28.33 FEET TO THE POINT OF BEGINNING AND CONTAINING 85 SQUARE FEET LYING BETWEEN ELEVATIONS 42.00 AND 43.00 FEET CITY OF DES MOINES VERTICAL DATUM (REFERENCE GROUND ELEVATION OF 26.00 FEET AT WEST ENTRANCE DOOR).

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