

★ Roll Call Number

Agenda Item Number

62A

Date October 14, 2019


An Ordinance entitled, "AN ORDINANCE vacating 7<sup>th</sup> Street right-of-way located west of and adjoining 1233 7<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)

  
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

62A

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 7<sup>th</sup> Street right-of-way located west of and adjoining 1233 7<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 7<sup>th</sup> Street right-of-way located west of and adjoining 1233 7<sup>th</sup> Street, more specifically described as follows, be and is hereby vacated:

A PART OF 7TH STREET RIGHT OF WAY BEING IN THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND LYING WEST OF AND ADJOINING LOT 9, GRAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

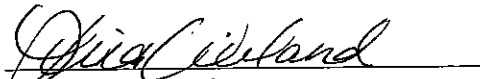
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 9; THENCE NORTH 44°(DEGREES) 55'(MINUTES) 10"(SECONDS) WEST, 70.78 FEET TO THE NORTHEAST CORNER OF LOT 84, NORTH PARK, AN OFFICIAL PLAT; THENCE SOUTH 89°48'06" EAST, 50.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 0°01'27" WEST ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 49.95 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRES (1249 SQ. FT.)

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

**INDEX LEGEND**

**SURVEYOR:**  
 APHAYMANY J. KHONGMALY, P.L.S.  
 CITY OF DES MOINES  
 1551 E. MARTIN LUTHER KING JR. PKWY  
 DES MOINES, IOWA 50309  
 PHONE: 515-283-4950

**LOCATED:**  
 SE 1/4, 34-179-R24  
 LOT 9, GRAND PARK  
 LOT B4, NORTH PARK

**TITLE HOLDER:**  
 CITY OF DES MOINES

**ADDRESS:**  
 N/A

**SERVICE PROVIDED FOR:**  
 CITY OF DES MOINES  
 400 ROBERT D. RAY DRIVE  
 DES MOINES, IOWA 50309

**REQUESTED BY:**  
 CITY OF DES MOINES

**RETURN TO:**  
 APHAYMANY J. KHONGMALY, P.L.S.  
 CITY OF DES MOINES  
 1551 E. MARTIN LUTHER KING JR. PKWY  
 DES MOINES, IOWA 50309  
 PHONE: 515-283-4950

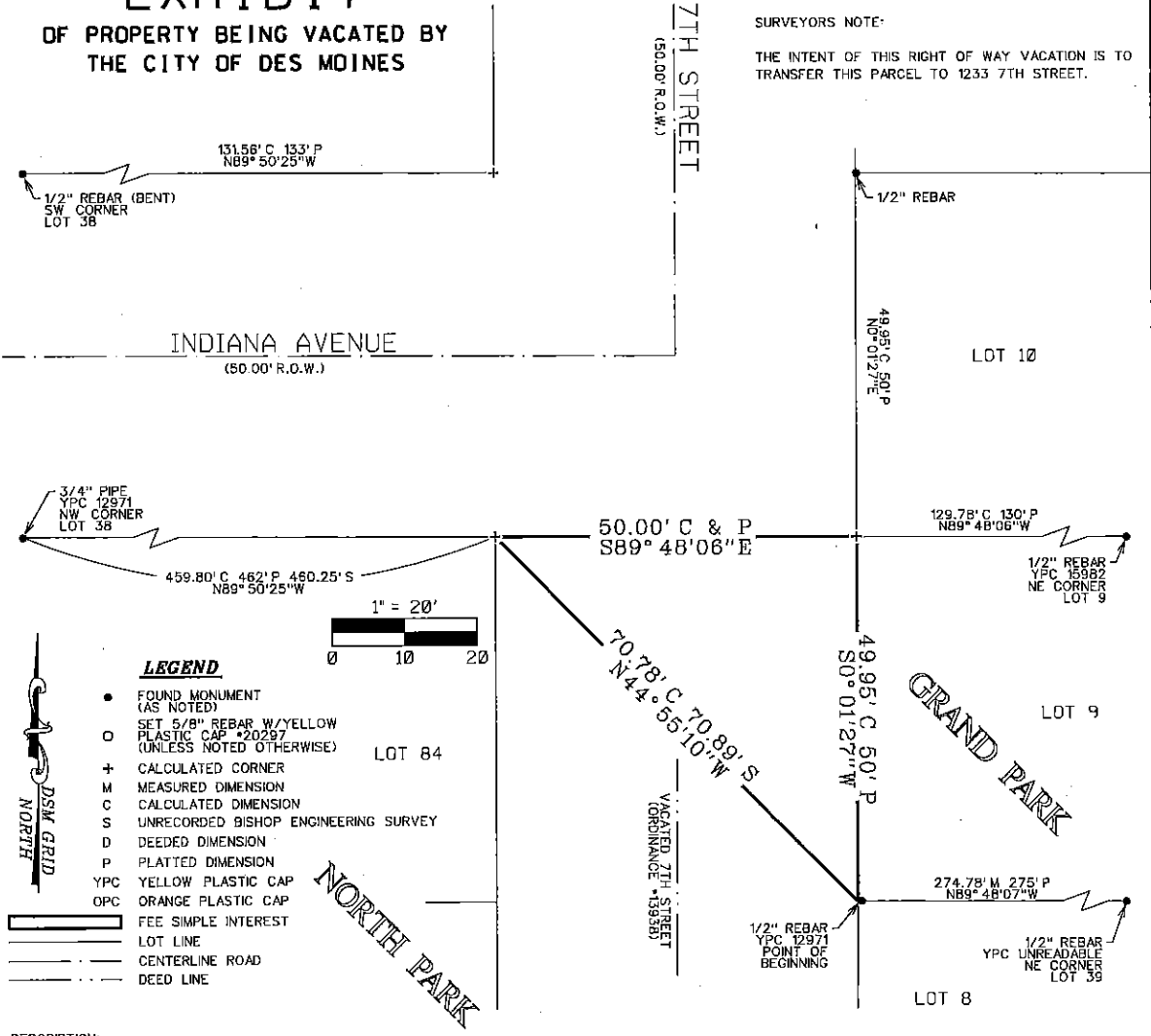
**DATE OF SURVEY:** 5/31/2019

**BASIS OF BEARING:**  
 IOWA SOUTH COORDINATE SYSTEM (NAD83)  
 IOWA DEPARTMENT OF TRANSPORTATIONS-  
 IOWA REAL TIME NETWORK

RECORDER'S AREA

**EXHIBIT  
 OF PROPERTY BEING VACATED BY  
 THE CITY OF DES MOINES**

**SURVEYORS NOTE:**  
 THE INTENT OF THIS RIGHT OF WAY VACATION IS TO  
 TRANSFER THIS PARCEL TO 1233 7TH STREET.



**LEGEND**

- FOUND MONUMENT (AS NOTED)
- SET 5/8" REBAR W/YELLOW PLASTIC CAP \*20297 (UNLESS NOTED OTHERWISE)
- + CALCULATED CORNER
- M MEASURED DIMENSION
- C CALCULATED DIMENSION
- S UNRECORDED BISHOP ENGINEERING SURVEY
- D DEEDED DIMENSION
- P PLATTED DIMENSION
- YPC YELLOW PLASTIC CAP
- OPC ORANGE PLASTIC CAP
- ▭ FEE SIMPLE INTEREST
- ▬ LOT LINE
- ▬ CENTERLINE ROAD
- ▬ DEED LINE

**DESCRIPTION:**  
 A PART OF 7TH STREET RIGHT OF WAY BEING IN THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND LYING WEST OF AND ADJOINING LOT 9, GRAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 9; THENCE NORTH 44° (DEGREES) 55' (MINUTES) 10" (SECONDS) WEST, 70.78 FEET TO THE NORTHEAST CORNER OF LOT B4, NORTH PARK, AN OFFICIAL PLAT; THENCE SOUTH 89° 48' 06" EAST, 50.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 0° 01' 27" WEST ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 49.95 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRES (1249 SQ. FT.)

*EJS*  
8-8-19

	DEPARTMENT OF ENGINEERING CITY OF DES MOINES, IOWA (515) 283-4931
	GENERAL DISPOSITION (PROPERTY MANAGEMENT) ACT. I.D. 34-1111-000_2019
	EXHIBIT RIGHT OF WAY VACATION EXHIBIT
	1 OF 1
Rev/By	SHEET