

★ Roll Call Number

Agenda Item Number

38A

Date December 2, 2019

An Ordinance entitled, "AN ORDINANCE vacating segments of Tuttle Street and Southwest 12th Street right-of-way",

presented.

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

FORM APPROVED:

(First of three required readings)

Lisa A. Wieland
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, P. Kay Cmelik, 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

38A

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 segments of Tuttle Street and Southwest 12th Street right-of-way.

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 segments of Tuttle Street and Southwest 12th Street right-of-way, more specifically described as follows, be and is hereby vacated:

A PART OF THE AIR RIGHTS IN THE SW 12TH STREET RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 1, GRAY'S STATION PLAT 2, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 08°20'42" EAST ALONG THE WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 28.56 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 08°20'42" EAST ALONG SAID WESTERLY LINE, 53.00 FEET; THENCE SOUTH 81°39'18" WEST, 2.50 FEET; THENCE NORTH 08°20'42" WEST, 53.00 FEET; THENCE NORTH 81°39'18" EAST, 2.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 133 SQUARE FEET. APPROXIMATE GROUND ELEVATION IS 22.00 FEET AND 23.00 FEET WITH THE BOTTOM OF BALCONY ELEVATION BEING APPROXIMATELY 33.25 FEET AND THE TOP OF BALCONY ELEVATION BEING APPROXIMATELY 36.25 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

AND

A PART OF THE AIR RIGHTS IN THE RIGHT OF WAY OF TUTTLE STREET LYING NORTH OF AND ADJOINING LOT 1, GRAY'S STATION PLAT 2, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 81°39'18" EAST ALONG

THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 24.29 FEET TO THE POINT OF BEGINNING; THENCE NORTH 08°20'42" WEST, 5.50 FEET; THENCE NORTH 81°39'18" EAST, 38.93 FEET; THENCE NORTH 81°39'24" EAST, 139.67 FEET; THENCE SOUTH 8°20'36" EAST, 5.50 FEET TO SAID NORTHERLY LINE; THENCE SOUTH 81°39'24" WEST ALONG SAID NORTHERLY LINE, 139.67 FEET; THENCE SOUTH 81°39'18" WEST CONTINUING ALONG SAID NORTHERLY LINE, 38.93 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (982 SQUARE FEET). APPROXIMATE GROUND ELEVATION IS 22.00 FEET AND 23.00 FEET WITH THE BOTTOM OF BALCONY ELEVATION BEING APPROXIMATELY 33.25 FEET AND THE TOP OF BALCONY ELEVATION BEING APPROXIMATELY 36.25 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

AND

A PART OF THE AIR RIGHTS IN THE RIGHT OF WAY OF TUTTLE STREET LYING NORTH OF AND ADJOINING LOT 12, GRAY'S STATION PLAT 2, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 12; THENCE NORTH 81°39'18" EAST ALONG THE NORTHERLY LINE OF SAID LOT 12, A DISTANCE OF 35.84 FEET TO THE POINT OF BEGINNING; THENCE NORTH 08°20'42" WEST, 2.00 FEET; THENCE NORTH 81°39'18" EAST, 157.85 FEET; THENCE SOUTH 08°20'42" EAST, 2.00 FEET TO SAID NORTHERLY LINE; THENCE SOUTH 81°39'18" WEST ALONG SAID NORTHERLY LINE, 157.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (316 SQUARE FEET). APPROXIMATE GROUND ELEVATION IS 17.50 FEET WITH THE BOTTOM OF BALCONY ELEVATION BEING APPROXIMATELY 33.25 FEET AND THE TOP OF BALCONY ELEVATION BEING APPROXIMATELY 36.25 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

AND


A PART OF THE SUBSURFACE RIGHT OF WAY OF TUTTLE STREET LYING NORTH OF AND ADJOINING LOT 1, GRAY'S STATION PLAT 2, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 81°39'18" EAST ALONG THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 8.18 FEET TO THE POINT OF BEGINNING; THENCE NORTH 08°20'42" WEST, 1.00 FEET; THENCE NORTH 81°39'18" EAST, 55.04 FEET; THENCE NORTH 81°39'24" EAST, 152.31 FEET; THENCE SOUTH 08°20'38" EAST, 1.00 FEET TO SAID NORTHERLY LINE; THENCE SOUTH 81°39'24" WEST ALONG SAID NORTHERLY LINE, 152.31 FEET; THENCE SOUTH 81°39'18" WEST CONTINUING ALONG SAID NORTHERLY LINE, 55.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 207 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:



Lisa A. Wieland
Assistant City Attorney