

★ Roll Call Number

Agenda Item Number

40A

Date December 2, 2019

An Ordinance entitled, "AN ORDINANCE vacating east/west alley right-of-way located south of and adjoining 3104 University 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
Lisa A. Wieland
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

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.

MOTION CARRIED APPROVED

Mayor

City Clerk

40A

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 east/west alley right-of-way located south of and adjoining 3104 University 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 the east/west alley right-of-way located south of and adjoining 3104 University Avenue, more specifically described as follows, be and is hereby vacated:

ALL OF THE 14-FOOT WIDE ALLEY OF JAMES H. LOPER'S FIRST ADDITION, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 8, SAID JAMES H. LOPER'S FIRST ADDITION; THENCE SOUTH 89°43'50" WEST ALONG THE NORTH LINE OF SAID LOT 8 AND THE NORTH LINE OF LOTS 7 THROUGH 5 OF SAID JAMES H. LOPER'S FIRST ADDITION, 208.88 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE NORTH 00°04'57" WEST ALONG THE WEST LINE OF SAID JAMES H. LOPER'S FIRST ADDITION, 14.00 FEET TO THE SOUTHWEST CORNER OF LOT 4 OF SAID JAMES H. LOPER'S FIRST ADDITION; THENCE NORTH 89°43'50" EAST ALONG THE SOUTH LINE OF SAID LOT 4 AND THE SOUTH LINE OF LOTS 1 THROUGH 3 OF SAID JAMES H. LOPER'S FIRST ADDITION, 208.90 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00°02'05" EAST ALONG THE EAST LINE OF SAID JAMES H. LOPER'S FIRST ADDITION, 14.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.07 ACRES (2,924 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:

A handwritten signature in cursive script, appearing to read "Lisa A. Wieland", is written over a horizontal line.

Lisa A. Wieland

Assistant City Attorney

INDEX LEGEND

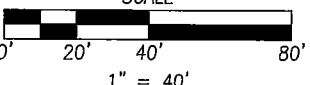
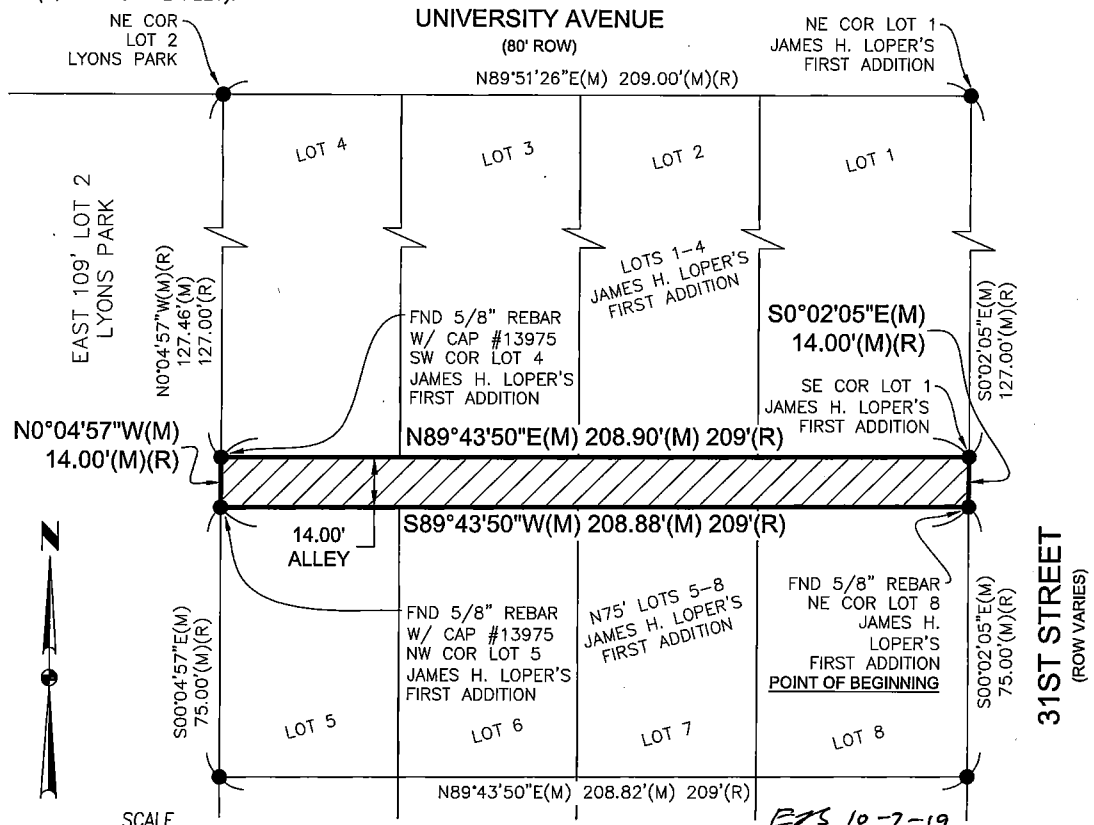
LOCATION: 14 FOOT WIDE ALLEY, JAMES H. LOPER'S FIRST ADDITION, DES MOINES
 REQUESTOR: KUM & GO
 PROPRIETOR: CITY OF DES MOINES
 SURVEYOR: MICHAEL A. BROONER
 COMPANY: CIVIL DESIGN ADVANTAGE
 PREPARED BY & RETURN TO: CIVIL DESIGN ADVANTAGE
 3405 SE CROSSROADS DRIVE, SUITE G
 GRIMES, IOWA 50111
 PH: 515-369-4400

VACATION PLAT

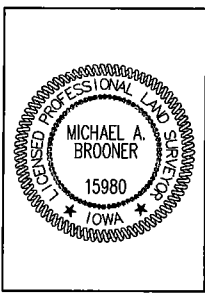
LEGAL DESCRIPTION

ALL OF THE 14 FOOT WIDE ALLEY OF JAMES H. LOPER'S FIRST ADDITION, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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LEGEND	FOUND	SET
SECTION CORNER AS NOTED	▲	△
1/2" REBAR, YELLOW CAP #15980 (UNLESS OTHERWISE NOTED)	●	○
MEASURED BEARING & DISTANCE	M	
RECORDED BEARING & DISTANCE	R	
DEEDED BEARING & DISTANCE	D	
CENTERLINE	---	
SECTION LINE	---	
EASEMENT LINE	---	



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Michael Brooner 10-02-2019
 MICHAEL A. BROONER, P.L.S. DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020
 PAGES OR SHEETS COVERED BY THIS SEAL:
 THIS SHEET

FILE: H:\2017\1703148\DWG\1703148-VACATION PLAT OF SURVEY.DWG
 FILE DATE: 10/2/19 DATE PLOTTED: 10/2/2019 1:29 PM
 PLOTTED BY: ERIC WITHROW