

**Date** February 24, 2020

An Ordinance entitled, " AN ORDINANCE vacating Fremont Street right-of-way between East 14<sup>th</sup> Street and East 15<sup>th</sup> Street, and East 15<sup>th</sup> Street right-of-way between Fremont Street and East 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  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
<b>TOTAL</b>				

**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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE vacating Fremont Street right-of-way between East 14<sup>th</sup> Street and East 15<sup>th</sup> Street, and East 15<sup>th</sup> Street right-of-way between Fremont Street and East 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 Fremont Street right-of-way between East 14<sup>th</sup> Street and East 15<sup>th</sup> Street, and East 15<sup>th</sup> Street right-of-way between Fremont Street and East University Avenue, more specifically described as follows, be and is hereby vacated:

A PART OF FREMONT STREET RIGHT OF WAY AND A PART OF EAST 15TH STREET RIGHT OF WAY LYING WITHIN STEWART'S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, AND LYING WITHIN ASHBROOK, AN OFFICIAL PLAT, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTH 20 FEET OF LOT 289 IN SAID ASHBROOK, SAID SOUTHWEST CORNER BEING ON THE EAST RIGHT OF WAY LINE OF EAST 15TH STREET; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE TO THE NORTHEASTERLY EXTENSION OF THE SOUTHERLY RIGHT OF WAY LINE OF FREMONT STREET; THENCE SOUTHWESTERLY ALONG SAID NORTHEASTERLY EXTENSION AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF LOT 27, BLOCK 34, IN SAID STEWART'S ADDITION TO THE CITY OF DES MOINES; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO A POINT ON THE SOUTHERLY LINE OF LOT 1, BLOCK 33, IN SAID STEWART'S ADDITION TO THE CITY OF DES MOINES, SAID POINT BEING 37 FEET SOUTHWESTERLY FROM THE SOUTHEAST CORNER OF SAID LOT 1 ALONG THE SOUTHERLY LINE OF SAID LOT 1, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY LINE OF FREMONT

STREET; THENCE NORTHEASTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF SAID EAST 15TH STREET; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE TO THE WEST EXTENSION OF THE SOUTH LINE OF THE NORTH 20 FEET OF SAID LOT 289; THENCE EAST ALONG SAID WEST EXTENSION TO THE POINT OF BEGINNING,

ALL NOW INCLUDED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1.50 ACRES (65,182 SQUARE FEET).

Sec. 2. The City of Des Moines hereby reserves a permanent easement for vehicular ingress and egress across a portion of the property.

Sec. 3. 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. 4. 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. 5. 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