

Date February 24, 2020

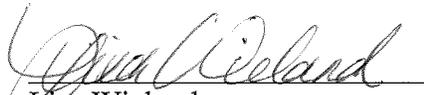
An Ordinance entitled, "AN ORDINANCE amending Ordinance No. 15,728 to correct a portion of the legal description therein to permanently vacate portions of East 4th Street, Des Moines Street and East 5th Street right-of-way adjoining 415 and 421 Des Moines Street",

presented.

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

FORM APPROVED:

(First of three required readings)


Lisa Wieland
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
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

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 amending Ordinance No. 15,728 to correct a portion of the legal description therein to permanently vacate portions of East 4th Street, Des Moines Street and East 5th Street right-of-way adjoining 415 and 421 Des Moines Street.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, due to a scrivener's error in Ordinance No. 15,728, it is desirable that a portion of Ordinance No. 15,728 be amended and 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 amending Ordinance No. 15,7288 to repeal the legal description and replace said legal description by permanently vacating portions of East 4th Street, Des Moines Street and East 5th Street right-of-way adjoining 415 and 421 Des Moines Street, more specifically described as follows, be and is hereby approved:

A PART OF THE EAST 4TH STREET, EAST 5TH STREET, AND DES MOINES STREET RIGHTS-OF-WAY LYING ADJACENT TO LOT 1, BLOCK 10, EAST FORT DES MOINES, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST OF CORNER OF LOT 2, CITY CENTER PLAT NO. 1, AN OFFICIAL PLAT; THENCE NORTH 74°47'22" EAST, 80.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF E. 4TH STREET AND TO THE POINT OF BEGINNING; THENCE SOUTH 15°17'24" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 142.21 FEET; THENCE SOUTH 74°49'57" WEST, 2.00 FEET; THENCE NORTH 15°17'24" WEST, 146.71 FEET; THENCE NORTH 74°47'22" EAST, 344.75 FEET; THENCE SOUTH 15°20'33" EAST, 155.35 FEET; THENCE SOUTH 74°50'22" WEST, 3.00 FEET TO THE EAST LINE OF SAID LOT 1; THENCE NORTH 15°20'33" WEST ALONG SAID EAST LINE, 150.85 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 74°47'22" WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 339.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.05 ACRES (2,288 S.F.)

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.

Sec. 5. A corrected copy of Ordinance No. 15,728 reflecting this amendment, is attached hereto for reference.

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