



**Roll Call Number**

**Agenda Item Number**

40A

**Date** April 20, 2020

An Ordinance entitled, "AN ORDINANCE vacating portions of City right-of-way located at various points along 6<sup>th</sup> Avenue and 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				
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 vacating portions of City right-of-way located at various points along 6<sup>th</sup> Avenue and 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 portions of City right-of-way located at various points along 6<sup>th</sup> Avenue and University Avenue, more specifically described as follows, be and is hereby vacated:

**6<sup>th</sup> Avenue, North of Franklin Avenue, East Side**

A PART OF VACATED 6<sup>TH</sup> AVENUE RIGHT OF WAY IN RIVERVIEW PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 16 IN SAID RIVERVIEW PARK, SAID SOUTHWEST CORNER ALSO BEING ON THE EAST RIGHT OF WAY LINE OF 6<sup>TH</sup> AVENUE; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 34 FEET; THENCE WEST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 8.5 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WEST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 7 FEET; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE EAST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 7 FEET; THENCE SOUTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 336 SQUARE FEET.

**6<sup>th</sup> Avenue, North of Franklin Avenue, West Side**

A PART OF VACATED 6<sup>TH</sup> AVENUE RIGHT OF WAY IN RIVERVIEW PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 16 IN SAID RIVERVIEW PARK; THENCE WEST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 66 FEET TO THE WEST RIGHT OF WAY LINE OF SAID 6<sup>TH</sup> AVENUE; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 45 FEET; THENCE EAST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 8.5 FEET TO THE POINT OF BEGINNING; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE EAST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 7 FEET; THENCE SOUTH AND PARALLEL TO SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE WEST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 7 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 336 SQUARE FEET.

**6<sup>th</sup> Avenue, North of Washington Avenue, East Side**

A PART OF VACATED 6<sup>TH</sup> AVENUE RIGHT OF WAY IN THE OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., (ALSO REFERRED TO AS POLK COUNTY HOMESTEAD & TRUST CO'S ADDITION), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 7 IN BLOCK 3 OF SAID OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., SAID SOUTHWEST CORNER ALSO BEING ON THE EAST RIGHT OF WAY LINE OF 6<sup>TH</sup> AVENUE; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 77 FEET; THENCE WEST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 8.5 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WEST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 7 FEET; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE EAST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 7 FEET; THENCE SOUTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 336 SQUARE FEET.

**6<sup>th</sup> Avenue, North of Washington Avenue, West Side**

A PART OF VACATED 6<sup>TH</sup> AVENUE RIGHT OF WAY IN THE OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH,

RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., (ALSO REFERRED TO AS POLK COUNTY HOMESTEAD & TRUST CO'S ADDITION), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 6 IN BLOCK 5 OF SAID OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., SAID SOUTHEAST CORNER ALSO BEING ON THE WEST RIGHT OF WAY LINE OF 6<sup>TH</sup> AVENUE; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 42 FEET; THENCE EAST AND PARALLEL TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 8.5 FEET TO THE POINT OF BEGINNING; THENCE NORTH AND PARALLEL TO SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE EAST AND PARALLEL TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 7 FEET; THENCE SOUTH AND PARALLEL TO SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE WEST AND PARALLEL TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 7 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 336 SQUARE FEET.

**6<sup>th</sup> Avenue, South of College Avenue, East Side**

A PART OF VACATED 6<sup>TH</sup> AVENUE RIGHT OF WAY IN W.W. FINK'S SUBDIVISION OF LOT 42 OF OFFICIAL PLAT OF SE 1/4 S 34, T79, R24, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF COLLEGE AVENUE AND THE EAST RIGHT OF WAY LINE OF 6<sup>TH</sup> AVENUE; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 74.5 FEET; THENCE WEST AND PARALLEL TO THE WESTERLY EXTENSION OF SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 8.5 FEET TO THE POINT OF BEGINNING; THENCE SOUTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE WEST AND PARALLEL TO THE WESTERLY EXTENSION OF SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 7 FEET; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE EAST AND PARALLEL TO THE WESTERLY EXTENSION OF SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 7 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 336 SQUARE FEET.

**University Avenue, West of 27<sup>th</sup> Street, North Side**

A PART OF VACATED UNIVERSITY AVENUE RIGHT OF WAY IN UNIVERSITY PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 118 IN SAID UNIVERSITY PLACE; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF

70 FEET; THENCE SOUTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 3 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 10.5 FEET; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 36 FEET; THENCE NORTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 10.5 FEET; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 36 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 378 SQUARE FEET.

**University Avenue, West of 29<sup>th</sup> Street, North Side**

A PART OF VACATED UNIVERSITY AVENUE RIGHT OF WAY IN DRAKE UNIVERSITY'S 1<sup>ST</sup> ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

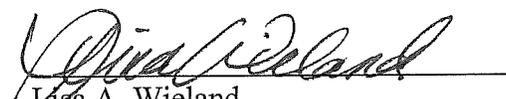
COMMENCING AT THE SOUTHEAST CORNER OF LOT 25 IN SAID DRAKE UNIVERSITY'S 1<sup>ST</sup> ADDITION TO UNIVERSITY PLACE; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 3 FEET; THENCE SOUTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 0.5 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 10.5 FEET; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 36 FEET; THENCE NORTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 10.5 FEET; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 36 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 378 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:

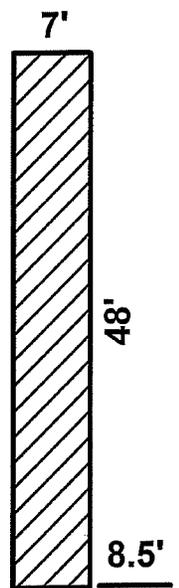
  
Lisa A. Wieland  
Assistant City Attorney

**EXHIBIT A**

RIVERVIEW PARK

LOT 16

6th Ave



POB

EAST ROW LINE OF 6TH AVE

34'

SW CORNER OF LOT 16 (POC)

**Legend**

Franklin Ave



**EXHIBIT A**

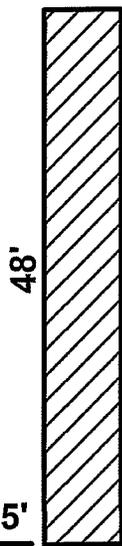
WEST ROW LINE  
OF 6TH AVE

RIVERVIEW PARK

6th Ave

LOT 16

7'



48'

8.5'

POB

45'

66'



SW CORNER  
OF LOT 16 (POC)

Franklin Ave

**Legend**

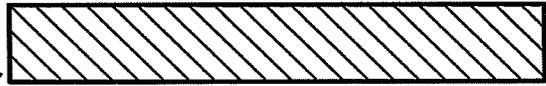
EASEMENT AREA

 EASEMENT AREA

**Legend**

6th Ave

POB



7'

48'

8.5'

EAST ROW LINE  
OF 6TH AVE

77'

SW CORNER  
OF LOT 7 (POC)



LOT 7

**BLOCK 3**

LOT 6

**EXHIBIT A**

OP SW 1/4 NE 1/4 SEC 34-79-24  
AKA POLK COUNTY HOMESTEAD & TRUST CO ADDITION

40A

**Legend**  
EASEMENT AREA

LOT 7

SE CORNER  
OF LOT 6 (POC)

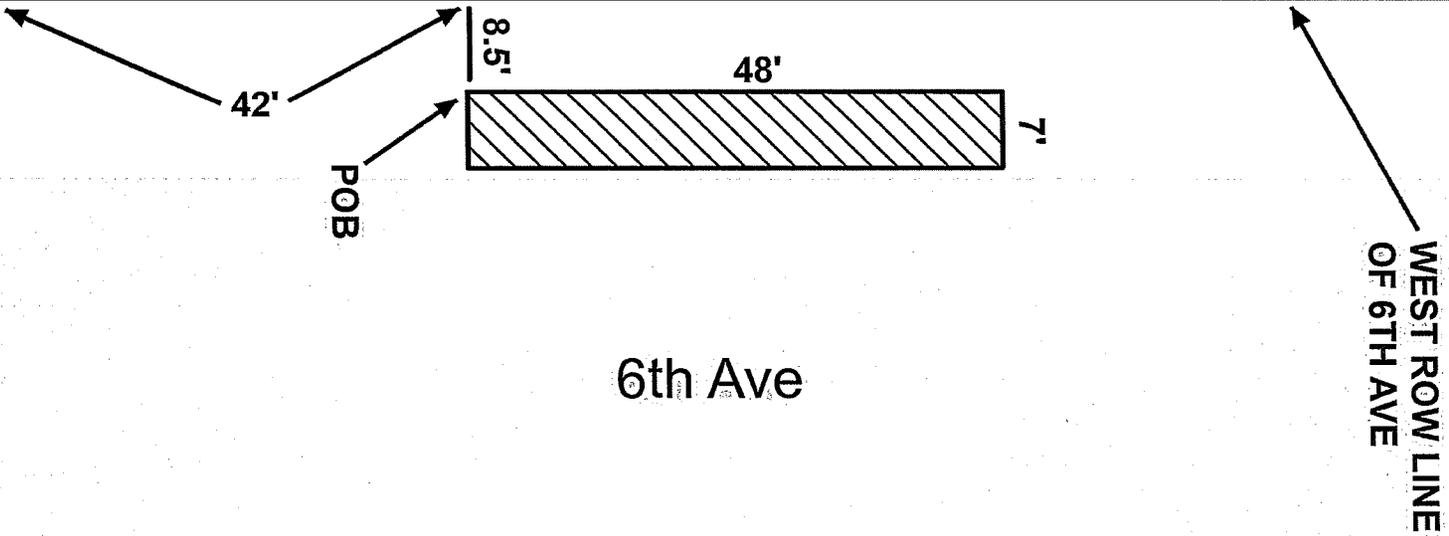
LOT 6

LOT 5

**BLOCK 5**

LOT 4

OP SW 1/4 NE 1/4 SEC 34-79-24  
AKA POLK COUNTY HOMESTEAD & TRUST CO ADDITION

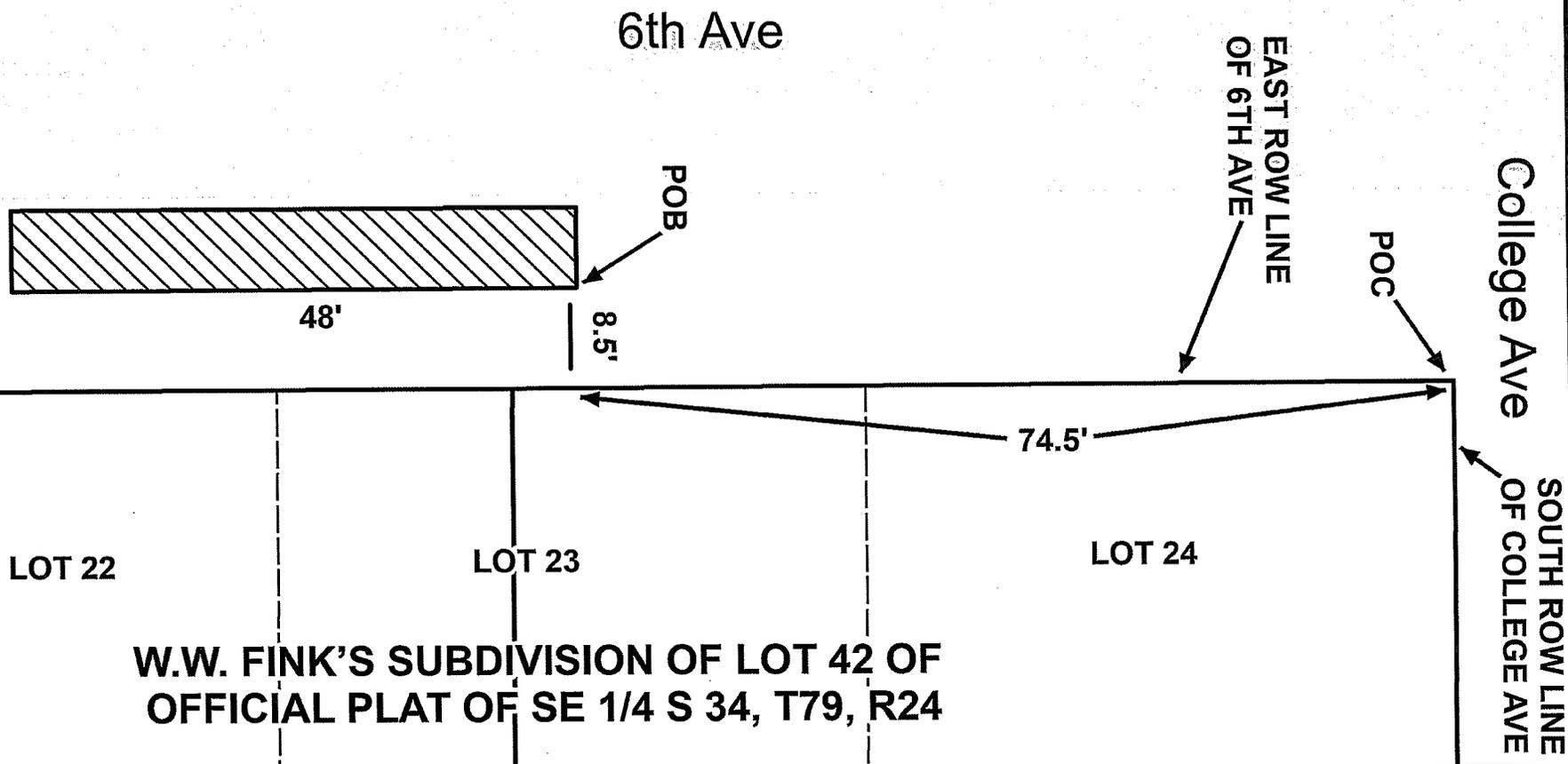


**EXHIBIT A**



40A

**EXHIBIT A**



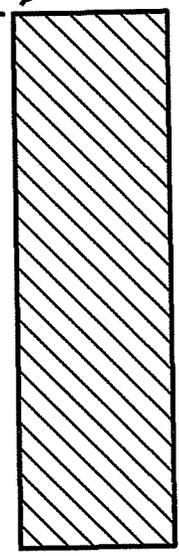
**W.W. FINK'S SUBDIVISION OF LOT 42 OF  
OFFICIAL PLAT OF SE 1/4 S 34, T79, R24**

407

**EXHIBIT A**

PT LOT 118

PT LOT 118



3'

70'

SE CORNER  
OF LOT 118 (POC)

UNIVERSITY PLACE

University Ave

**Legend**

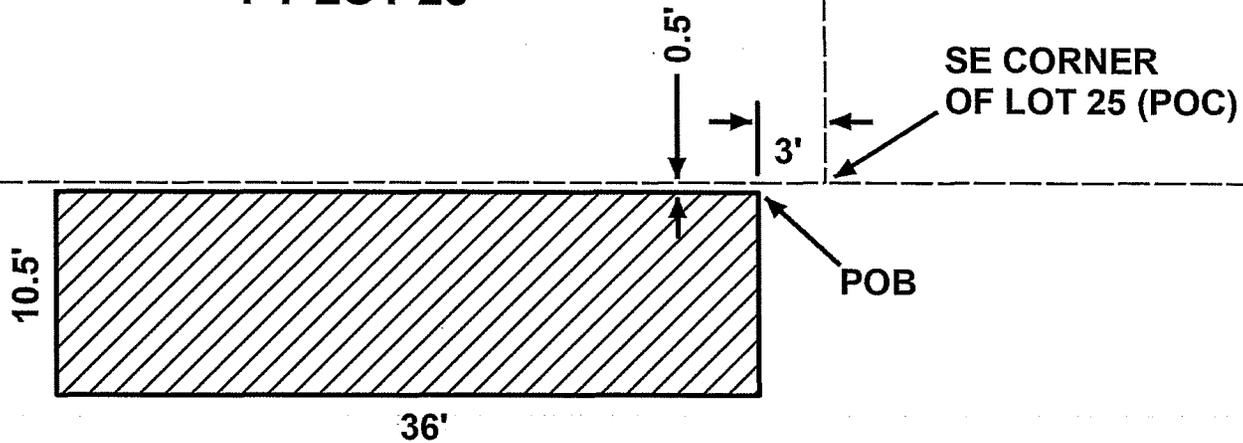


**EXHIBIT A**

**DRAKE UNIVERSITY'S 1ST ADDITION  
TO UNIVERSITY PLACE**

PT LOT 25

PT LOT 25



**Legend**

 EASEMENT AREA

48A