

41A

Date April 20, 2020

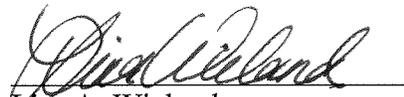
An Ordinance entitled, "AN ORDINANCE vacating (1) a segment of air rights within the east/west alley and 7th Street adjoining 655 Walnut Street; (2) two segments of surface and subsurface rights in the eastern portion of 7th Street adjacent to 655 Walnut Street and 319 7th Street; and (3) two segments of surface and subsurface rights on the western portion of 7th Street adjacent to 701 Walnut Street and 700 Locust Street",

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

41A

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 (1) a segment of air rights within the east/west alley and 7th Street adjoining 655 Walnut Street; (2) two segments of surface and subsurface rights in the eastern portion of 7th Street adjacent to 655 Walnut Street and 319 7th Street; and (3) two segments of surface and subsurface rights on the western portion of 7th Street adjacent to 701 Walnut Street and 700 Locust Street.

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 (1) a segment of air rights within the east/west alley and 7th Street adjoining 655 Walnut Street; (2) two segments of surface and subsurface rights in the eastern portion of 7th Street adjacent to 655 Walnut Street and 319 7th Street; and (3) two segments of surface and subsurface rights on the western portion of 7th Street adjacent to 701 Walnut Street and 700 Locust Street, more specifically described as follows, be and is hereby vacated:

SURFACE:

A PART OF THE 7TH STREET RIGHT-OF-WAY LYING EAST OF BLOCK 1, FORT DES MOINES AND WEST OF BLOCK 12, ORIGINAL TOWN OF FORT DES MOINES, OFFICIAL PLATS NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

AREA "A"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE NORTH 78°04'33" EAST, 1.21 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74°15'14" EAST, 1.07 FEET; THENCE SOUTH 15°44'46" EAST, 2.04 FEET; THENCE SOUTH 74°15'14" WEST, 1.07 FEET; THENCE NORTH 15°44'46" WEST, 2.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.2 SQUARE FEET.

AREA "B"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE NORTH 12°44'17" WEST, 22.99 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°44'46" WEST, 2.04 FEET; THENCE NORTH 74°15'14" EAST, 1.07 FEET; THENCE SOUTH 15°44'46" EAST, 2.04 FEET; THENCE SOUTH 74°15'14" WEST, 1.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.2 SQUARE FEET.

AREA "C"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE NORTH 59°44'19" EAST, 65.75 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°44'46" WEST, 1.17 FEET; THENCE NORTH 74°15'14" EAST, 1.21 FEET; THENCE SOUTH 15°44'46" EAST, 1.17 FEET; THENCE SOUTH 74°15'14" WEST, 1.21 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.4 SQUARE FEET.

AREA "D"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE SOUTH 86°43'45" EAST, 67.33 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74°15'14" EAST, 1.21 FEET; THENCE SOUTH 15°44'46" EAST, 1.17 FEET; THENCE SOUTH 74°15'14" WEST, 1.21 FEET; THENCE NORTH 15°44'46" WEST, 1.17 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.4 SQUARE FEET.

AIR SPACE:

A PART OF THE 7TH STREET AND EAST-WEST ALLEY RIGHT-OF-WAY LYING ADJACENT TO LOT 3 IN BLOCK 12 OF THE ORIGINAL TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN BLOCK 1, FORT DES MOINES, AN OFFICIAL PLAT; THENCE NORTH 85°51'40" EAST, 67.29 FEET TO THE WEST LINE OF SAID LOT 3 IN BLOCK 12 OF THE ORIGINAL TOWN OF FORT DES MOINES AND THE POINT OF BEGINNING; THENCE NORTH 60°38'46" WEST, 14.27 FEET; THENCE NORTH 29°21'14" EAST, 20.22 FEET; THENCE SOUTH 60°38'46" EAST, 15.30 FEET TO THE NORTH LINE OF SAID LOT 3; THENCE SOUTH 74°15'04" WEST ALONG SAID NORTH LINE, 14.96 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 15°21'59" EAST ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 13.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 198 SQUARE FEET, LYING BETWEEN ELEVATIONS 53.59 AND 76.68 FEET CITY OF DES MOINES VERTICAL DATUM (REFERENCE GROUND ELEVATION OF 36.26 FEET AT SIDEWALK BELOW).

SUBSURFACE:

A PART OF THE 7TH STREET RIGHT-OF-WAY LYING EAST OF BLOCK 1, FORT DES MOINES AND WEST OF BLOCK 12, ORIGINAL TOWN OF FORT DES MOINES, OFFICIAL PLATS NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

AREA "A"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE NORTH 04°43'30" WEST, 3.89 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74°15'14" EAST, 2.00 FEET; THENCE SOUTH 15°44'46" EAST, 8.00 FEET; THENCE SOUTH 74°15'14" WEST, 2.00 FEET; THENCE NORTH 15°44'46" WEST, 8.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 16 SQUARE FEET.

AREA "B"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE NORTH 13°36'59" WEST, 20.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°44'46" WEST, 8.00 FEET; THENCE NORTH 74°15'14" EAST, 2.00 FEET; THENCE SOUTH 15°44'46" EAST, 8.00 FEET; THENCE SOUTH 74°15'14" WEST, 2.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 16 SQUARE FEET.

AREA "C"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE NORTH 62°36'10" EAST, 64.59 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°44'46" WEST, 8.00 FEET; THENCE NORTH 74°15'14" EAST, 2.00 FEET; THENCE SOUTH 15°44'46" EAST, 8.00 FEET; THENCE SOUTH 74°15'14" WEST, 2.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 16 SQUARE FEET.

AREA "D"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE SOUTH 89°25'35" EAST, 65.91 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74°15'14" EAST, 2.00 FEET; THENCE SOUTH 15°44'46" EAST, 8.00 FEET; THENCE SOUTH 74°15'14" WEST, 2.00 FEET; THENCE NORTH 15°44'46" WEST, 8.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 16 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. The City of Des Moines hereby further reserves an easement upon the property described above for public access to the alley entrances from 7th Street.

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

41A

INDEX LEGEND

SURVEYOR'S NAME / RETURN TO:
 ERIN D. GRIFFIN
 SNYDER & ASSOCIATES, INC.
 2727 SW SNYDER BOULEVARD
 ANKENY, IOWA 50023
 515-964-2020
 egriffin@snyder-associates.com

SERVICE PROVIDED BY:
 SNYDER & ASSOCIATES, INC.

SURVEY LOCATED:
 7TH STREET RIGHT-OF-WAY WEST OF
 & EAST-WEST ALLEY NORTH OF
 LOT 3, BLOCK 12
 ORIGINAL TOWN OF FORT DES MOINES
 SEC. 04-78-24

REQUESTED BY:
 CITY OF DES MOINES

VACATION EXHIBIT

LEGAL DESCRIPTION

A PART OF THE 7TH STREET AND VACATED EAST-WEST ALLEY RIGHT-OF-WAY LYING ADJACENT TO LOT 3 IN BLOCK 12 OF THE ORIGINAL TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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LEGEND

<u>Survey</u>	<u>Found</u>	<u>Set</u>
Section Corner	▲	△
1/2" Rebar, Yellow Plastic Cap #19710 (Unless Otherwise Noted)	●	○
ROW Rail	■	
Calculated Point	+	
Platted Distance	P	
Measured Bearing & Distance	M	
Recorded As	R	
Deed Distance	D	
Calculated Distance	C	
Centerline	-----	
Section Line	=====	
1/4 Section Line	=====	
1/4 1/4 Section Line	-----	
Easement Line	-----	

DATE OF SURVEY

JANUARY 22, 2020

OWNER

CITY OF DES MOINES

BASIS OF BEARING

THE WEST RIGHT-OF-WAY LINE OF 7TH STREET IS ASSUMED TO BEAR S15°21'59"E.

Revised 04/08/20

BLOCK 12, ORIGINAL TOWN OF FORT DES MOINES

SHEET 1 OF 2

VACATION EXHIBIT

PN: 119.1091

FLD BK: XX PG:XX



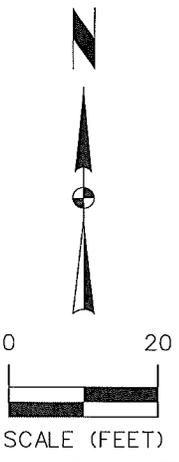
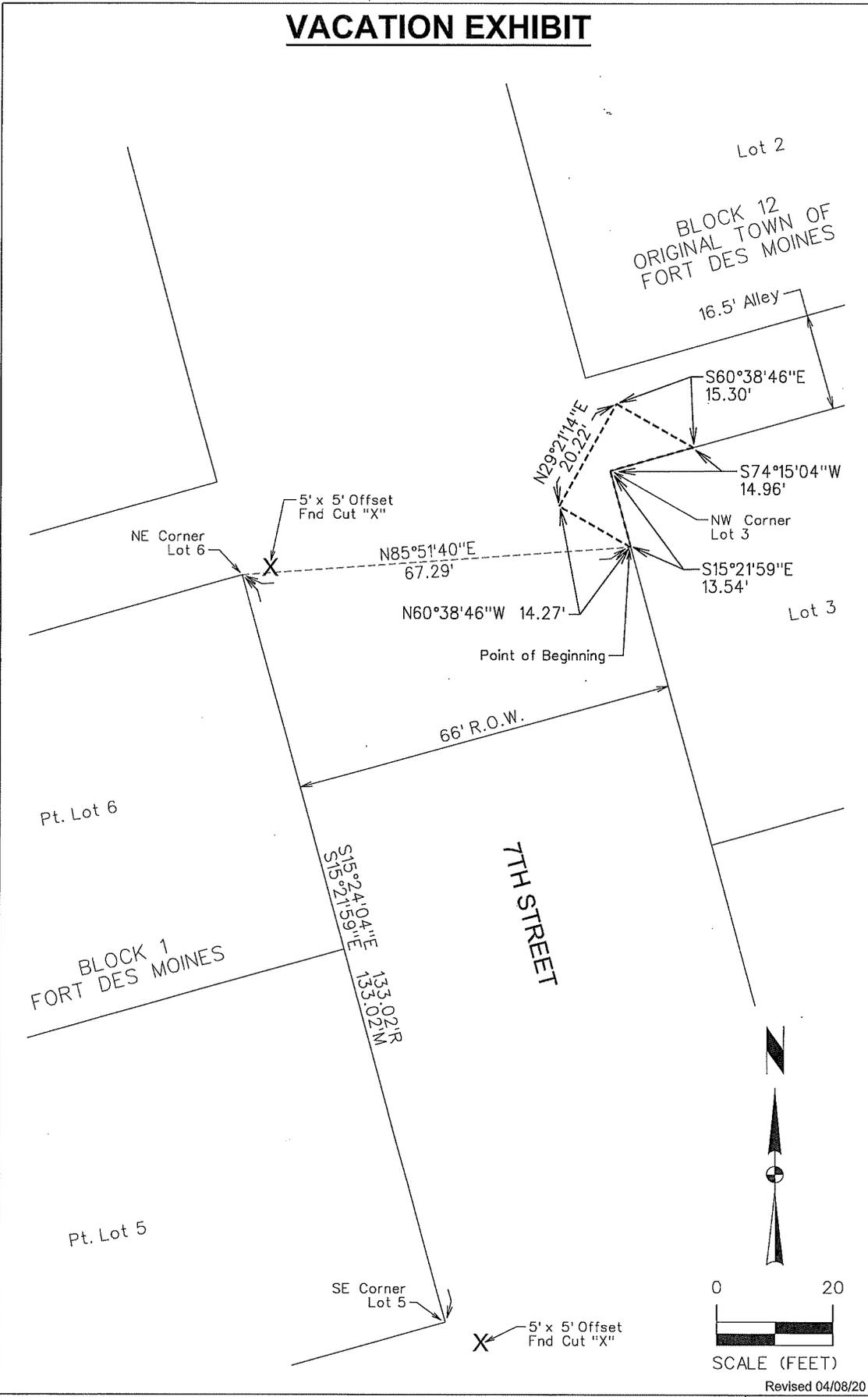
2727 S.W. SNYDER BLVD.
 ANKENY, IA 50023 (515) 964-2020

DATE: 01/22/20

PM/TECH: EDG/SGK

41A

VACATION EXHIBIT



BLOCK 12, ORIGINAL TOWN OF FORT DES MOINES
VACATION EXHIBIT



2727 S.W. SNYDER BLVD.
 ANKENY, IA 50023 (515) 964-2020

Revised 04/08/20
SHEET 2 OF 2
PN: 119.1091
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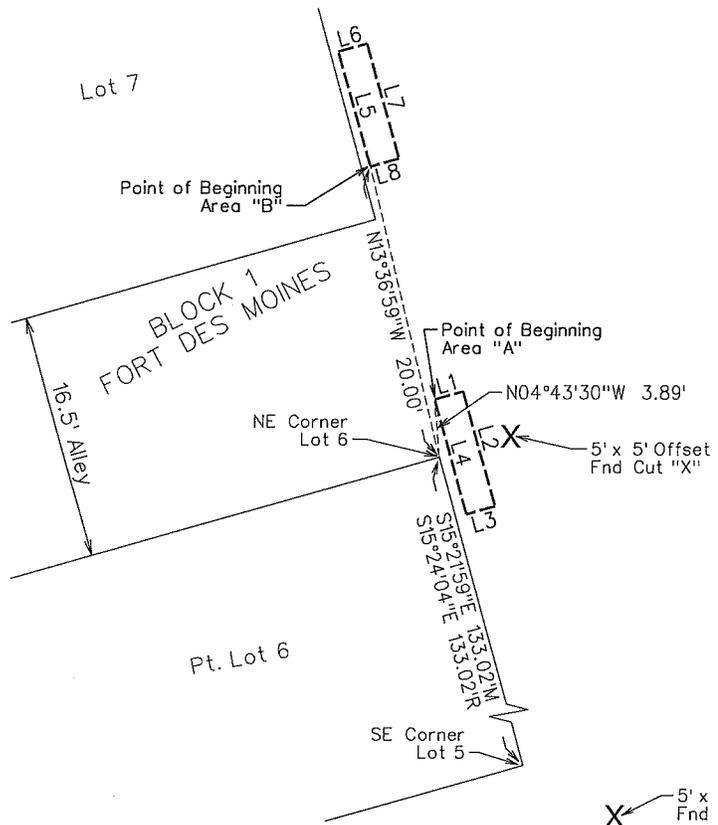
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 4/8/2020
 jspooles

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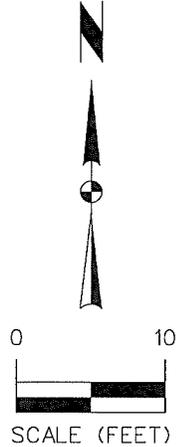
VACATION EXHIBIT

LINE TABLE

L1	N74°15'14"E	2.00'
L2	S15°44'46"E	8.00'
L3	S74°15'14"W	2.00'
L4	N15°44'46"W	8.00'
L5	N15°44'46"W	8.00'
L6	N74°15'14"E	2.00'
L7	S15°44'46"E	8.00'
L8	S74°15'14"W	2.00'



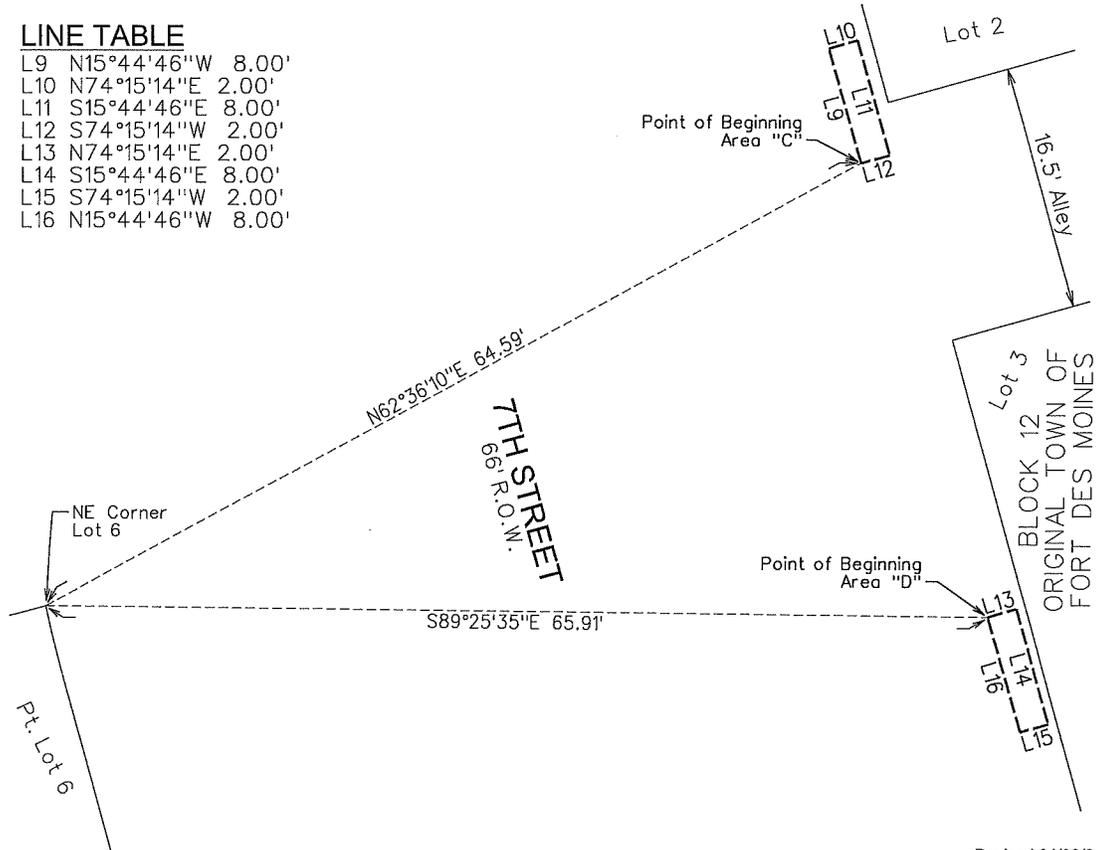
7TH STREET
66' R.O.W.



X 5' x 5' Offset
End Cut "X"

LINE TABLE

L9	N15°44'46"W	8.00'
L10	N74°15'14"E	2.00'
L11	S15°44'46"E	8.00'
L12	S74°15'14"W	2.00'
L13	N74°15'14"E	2.00'
L14	S15°44'46"E	8.00'
L15	S74°15'14"W	2.00'
L16	N15°44'46"W	8.00'



Revised 04/08/20

7TH STREET RIGHT-OF-WAY

VACATION EXHIBIT



2727 S.W. SNYDER BLVD.
ANKENY, IA 50023 (515) 964-2020

SHEET	2 OF 2
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ERIN D. GRIFFIN
SNYDER & ASSOCIATES, INC.
2727 SW SNYDER BOULEVARD
ANKENY, IOWA 50023
515-964-2020
egriffin@snyder-associates.com
SERVICE PROVIDED BY:
SNYDER & ASSOCIATES, INC.
SURVEY LOCATED:
7TH STREET RIGHT-OF-WAY EAST OF
BLOCK 1, FORT DES MOINES AND
7TH STREET RIGHT-OF-WAY WEST OF
BLOCK 12, ORIGINAL TOWN OF FORT DES MOINES
SEC. 04-78-24
REQUESTED BY:
CITY OF DES MOINES

VACATION EXHIBIT

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Section Corner	▲	△
1/2" Rebar, Yellow Plastic Cap #19710 (Unless Otherwise Noted)	●	○
ROW Rail	■	
Calculated Point	+	
Platted Distance	P	
Measured Bearing & Distance	M	
Recorded As	R	
Deed Distance	D	
Calculated Distance	C	
Centerline	-----	
Section Line	-----	
1/4 Section Line	-----	
1/4 1/4 Section Line	-----	
Easement Line	-----	

DATE OF SURVEY

JANUARY 22, 2020

OWNER

CITY OF DES MOINES

BASIS OF BEARING

THE WEST RIGHT-OF-WAY LINE OF 7TH STREET IS ASSUMED TO BEAR S15°21'59"E.

7TH STREET RIGHT-OF-WAY

VACATION EXHIBIT

Revised 04/08/20

SHEET 1 OF 2

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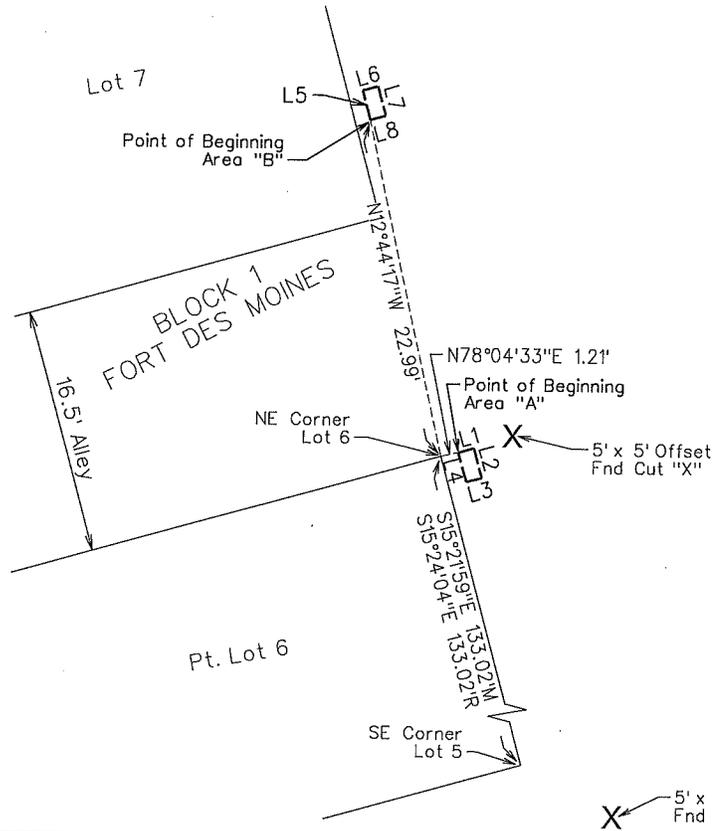
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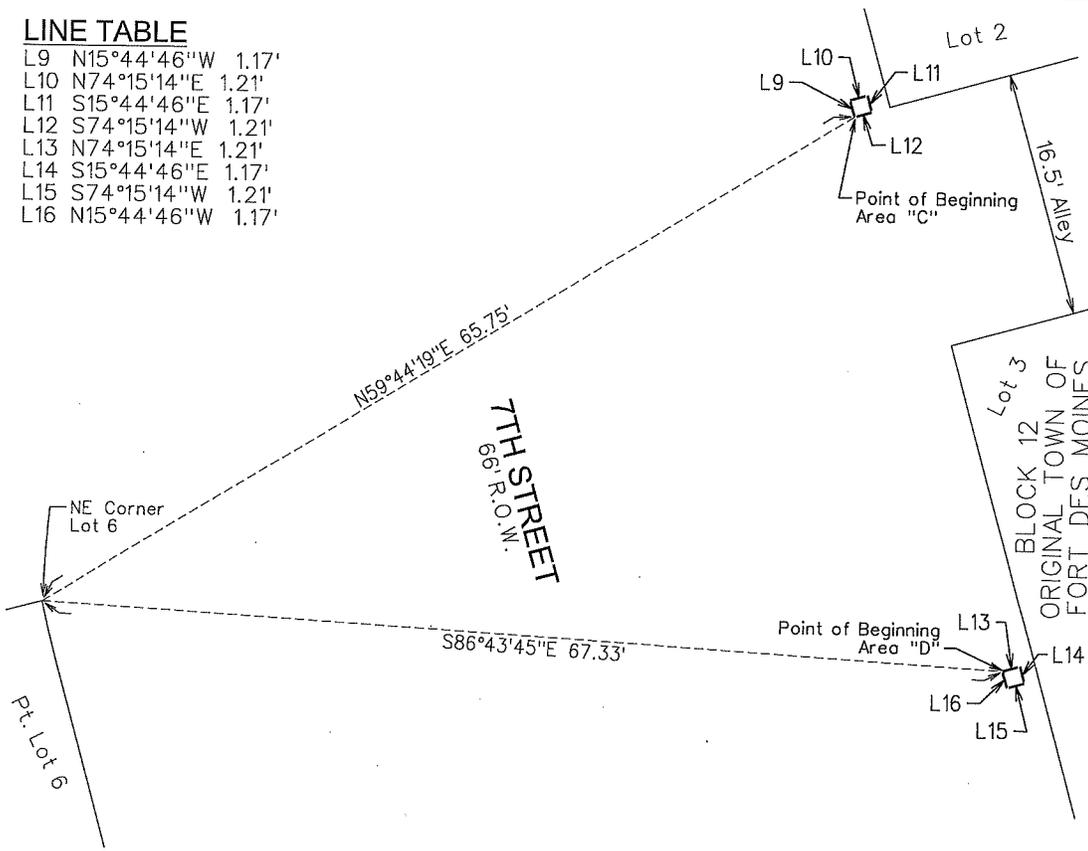
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7TH STREET RIGHT-OF-WAY VACATION EXHIBIT

S SNYDER & ASSOCIATES

2727 S.W. SNYDER BLVD.
ANKENY, IA 50023 (515) 964-2020

Revised 04/08/20

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