

42A

Date April 20, 2020

An Ordinance entitled, "AN ORDINANCE vacating (1) the north/south alley between 25th Street and 26th Street from University Avenue to point 281 feet to the south; (2) the air rights in a 4-foot by 13-foot segment to the south side of University Avenue, and a 2-foot by 28-foot segment to the east side of 26th Street; and (3) the subsurface rights in the south 2 feet of University Avenue and the east 4 feet of 26th Street, all adjoining 2530 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

42A

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) the north/south alley between 25th Street and 26th Street from University Avenue to point 281 feet to the south; (2) the air rights in a 4-foot by 13-foot segment to the south side of University Avenue, and a 2-foot by 28-foot segment to the east side of 26th Street; and (3) the subsurface rights in the south 2 feet of University Avenue and the east 4 feet of 26th Street, all adjoining 2530 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 (1) the north/south alley between 25th Street and 26th Street from University Avenue to point 281 feet to the south; (2) the air rights in a 4-foot by 13-foot segment to the south side of University Avenue, and a 2-foot by 28-foot segment to the east side of 26th Street; and (3) the subsurface rights in the south 2 feet of University Avenue and the east 4 feet of 26th Street, all adjoining 2530 University Avenue, more specifically described as follows, be and is hereby vacated:

Alley

THE NORTH/SOUTH ALLEY LYING EAST OF AND ADJOINING LOTS 38-44 EXCEPT THE NORTH 7.00 FEET OF SAID NORTH/SOUTH ALLEY, DRAKE UNIVERSITY'S SECOND ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 0.12 ACRES (5,259 S.F.).

Air Rights
AREA "A"

A PART OF THE UNIVERSITY AVENUE RIGHT-OF-WAY, BEING THE EAST 13.00 FEET OF THE WEST 44.00 FEET OF THE SOUTH 4.00 FEET OF THE NORTH 7.00 FEET OF LOT 44 AND BEING A PART OF DRAKE UNIVERSITY'S SECOND

ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND LYING BETWEEN ELEVATIONS 197.75 AND 226.35 FEET CITY OF DES MOINES VERTICAL DATUM (REFERENCE GROUND ELEVATION OF 186.25 FEET AT BUILDING ENTRANCE ON UNIVERSITY AVENUE), AND CONTAINING 52 SQUARE FEET.

AND

AREA "B"

A PART OF THE 26TH STREET RIGHT-OF-WAY, BEING A PART OF THE SUBDIVISION OF LOTS 2 AND 4 OF THE OFFICIAL PLAT OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALSO BEING THE EAST 2.00 FEET LYING ADJACENT TO THE SOUTH 28.00 FEET OF LOT 43, DRAKE UNIVERSITY'S SECOND ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND LYING BETWEEN ELEVATIONS 198.55 AND 200.55 FEET CITY OF DES MOINES DATUM (REFERENCE GROUND ELEVATION OF 186.25 FEET AT BUILDING ENTRANCE ON 26TH STREET), AND CONTAINING 56 SQUARE FEET.

Subsurface Rights

A PART OF THE UNIVERSITY AVENUE RIGHT-OF-WAY, BEING THE SOUTH 2.00 FEET OF THE NORTH 7.00 FEET OF LOT 44, DRAKE UNIVERSITY'S SECOND ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, AND A PART OF THE VACATED 26TH STREET RIGHT-OF-WAY, BEING A PART OF THE SUBDIVISION OF LOTS 2 AND 4 OF THE OFFICIAL PLAT OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALSO BEING THE EASTERLY 4.00 FEET LYING WESTERLY OF LOT 43 AND LOT 44 OF SAID DRAKE UNIVERSITY'S SECOND ADDITION, EXCEPT THE NORTH 5.00 FEET THEREOF, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 0.01 ACRES (619 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.

42A

FORM APPROVED:



Lisa A. Wieland

Assistant City Attorney

INDEX LEGEND

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

SERVICE PROVIDED BY:
 SNYDER & ASSOCIATES, INC.

SURVEY LOCATED:
 PT. ALLEY EAST OF LOTS 38-44,
 DRAKE UNIVERSITY'S SECOND ADDITION
 SEC. 05-78-24

PROPRIETOR:
 CITY OF DES MOINES

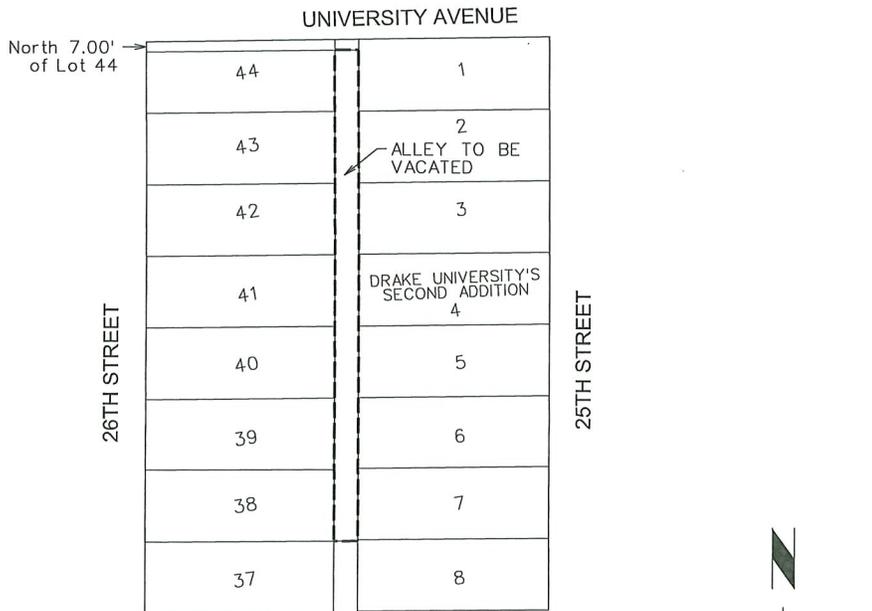
VACATION EXHIBIT

VACATION DESCRIPTION

THE NORTH/SOUTH ALLEY LYING EAST OF AND ADJOINING LOTS 38-44 EXCEPT THE NORTH 7.00 FEET OF SAID NORTH/SOUTH ALLEY, DRAKE UNIVERSITY'S SECOND ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 0.12 ACRES (5,259 S.F.).

OWNER

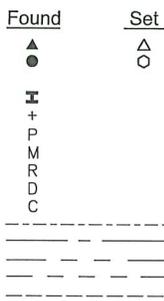
CITY OF DES MOINES



LEGEND

Survey
 Section Corner
 1/2" Rebar, Yellow Plastic Cap #19710
 (Unless Otherwise Noted)

ROW Rail
 Calculated Point
 Platted Distance
 Measured Bearing & Distance
 Recorded As
 Deed Distance
 Calculated Distance
 Centerline
 Section Line
 1/4 Section Line
 1/4 1/4 Section Line
 Easement Line



EZS 2-12-20

ALLEY EAST OF LOTS 38-44, DRAKE UNIVERSITY 2ND ADDITION

VACATION EXHIBIT



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

| | |
|----------|----------|
| SHEET | 1 OF 1 |
| PN: | 117.0793 |
| FLD BK: | PG: |
| DATE: | 11/08/19 |
| PM/TECH: | EDG/JJB |