

**Date** May 4, 2020

An Ordinance entitled, "AN ORDINANCE vacating portions of 24th Street and University Avenue right-of-way adjoining 2331 University Avenue",  
presented.

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

FORM APPROVED:

(First of three required readings)

/s/  
\_\_\_\_\_  
Lisa A. Wieland  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**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.

\_\_\_\_\_ 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 24th Street and University Avenue right-of-way adjoining 2331 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 24th Street and University Avenue right-of-way adjoining 2331 University Avenue, more specifically described as follows, be and is hereby vacated:

**AIR RIGHTS ENCROACHMENT**

Area #1

That part of Vacated University Avenue right-of-way lying South of and adjoining the West 84.25 feet of Lot 34 in University Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southeast corner of said West 84.25 feet of Lot 34; thence South 89°(degrees) 33'(minutes) 45"(seconds) West (bearing assumed to match that Retracement Survey recorded in Book 17270 at Page 143 in the Office of the Polk County Recorder), 40.51 feet along the South line of said Lot 34 to the Point of Beginning; thence South 00°26'15" East, 7.50 feet; thence South 89°33'45" West, 5.00 feet; thence North 00°26'15" West, 7.50 feet to the South line of said Lot 34; thence North 89°33'45" East, 5.00 feet to the point of beginning.

Lying between elevations 183.76 feet and 189.76 feet, City of Des Moines Vertical Datum (reference ground level elevation of 174.26 feet, City of Des Moines Vertical Datum). Horizontally containing 37.50 square feet.

Area #2

That part of Vacated University Avenue right-of-way lying South of and adjoining the West 84.25 feet of Lot 34 in University Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southeast corner of said West 84.25 feet of Lot 34; thence South 89°(degrees) 33'(minutes) 45"(seconds) West (bearing assumed to match that Retracement Survey recorded in Book 17270 at Page 143 in the Office of the Polk County Recorder), 79.15 feet along the South line of said Lot 34 to the Point of Beginning; thence South 00°26'15" East, 7.50 feet; thence South 89°33'45" West, 5.00 feet; thence North 00°26'15" West, 7.50 feet to the South line of said Lot 34; thence North 89°33'45" East, 5.00 feet to the point of beginning.

Lying between elevations 183.76 feet and 189.76 feet, City of Des Moines Vertical Datum (reference ground level elevation of 174.26 feet, City of Des Moines Vertical Datum). Horizontally containing 37.50 square feet.

**DOOR SWING EASEMENT**

That part of Vacated University Avenue right-of-way lying South of and adjoining the West 84.25 feet of Lot 34 in University Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southwest corner of said Lot 34; thence North 89°(degrees) 33'(minutes) 45"(seconds) East (bearing assumed to match that Retracement Survey recorded in Book 17270 at Page 143 in the Office of the Polk County Recorder), 38.90 feet along the South line of said Lot 34; thence South 00°01'16" West, 0.36 feet to the Point of Beginning; thence South 89°58'44" East, 3.50 feet; thence South 00°01'16" West, 3.00 feet; thence North 89°58'44" West, 3.50 feet; thence North 00°01'16" East, 3.00 feet to the point of beginning. Containing 10.50 square feet.

**SURFACE EASEMENT**

24<sup>th</sup> Street

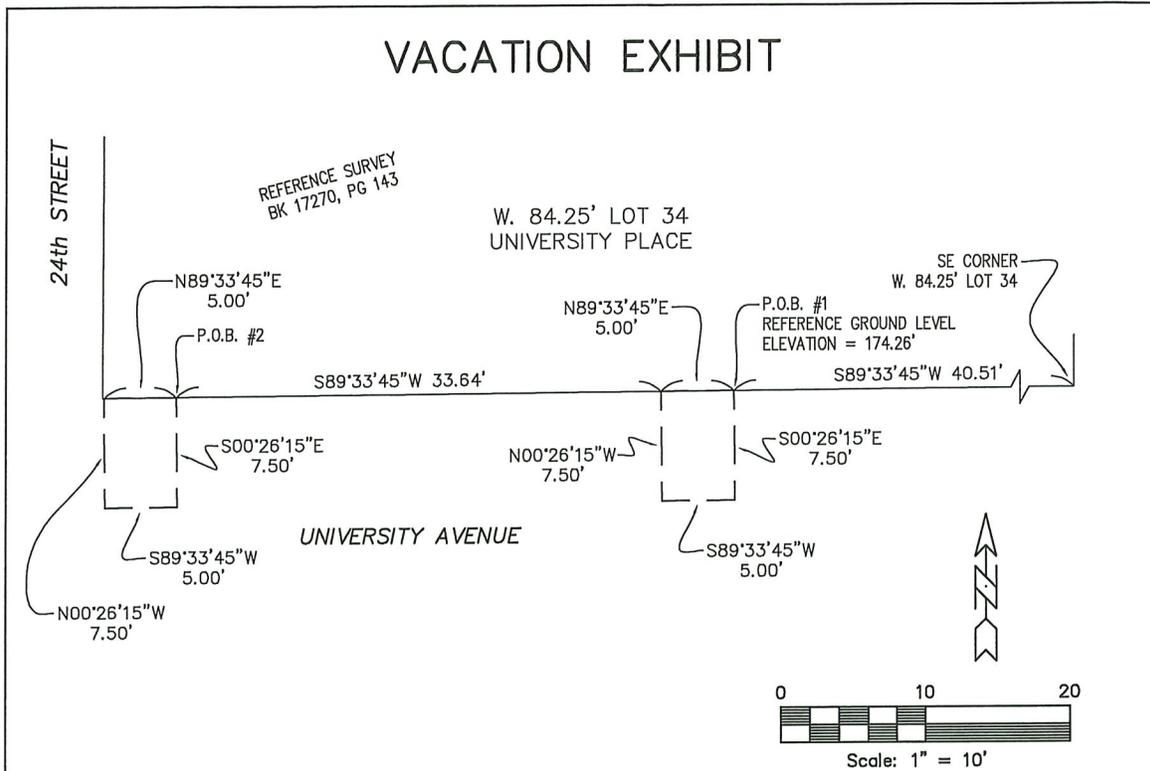
That part of Vacated 24<sup>th</sup> Street right-of-way lying West of and adjoining the West 84.25 feet of Lots 33 and 34 in University Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southwest corner of said Lot 34; thence North 00°(degrees) 15'(minutes) 47"(seconds) East (bearing assumed to match that Retracement Survey recorded in Book 17270 at Page 143 in the Office of the Polk County Recorder), 24.39 feet along the West line of said Lot 34 to the Point of Beginning; thence North 00°01'56" East, 46.77 feet; thence South 89°44'13" East, 0.19 feet to the West line of said Lot 33; thence South 00°15'47" West, 46.77 feet along the West lines of said Lots 33 and 34 to the point of beginning. Containing 4.41 square feet.



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# VACATION EXHIBIT



## EASEMENT DESCRIPTION

### Easement #1

That part of University Avenue right-of-way lying South of and adjoining the West 84.25 feet of Lot 34 in University Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southeast corner of said West 84.25 feet of Lot 34; thence South 89°(degrees) 33'(minutes) 45"(seconds) West (bearing assumed to match that Retracement Survey recorded in Book 17270 at Page 143 in the Office of the Polk County Recorder), 40.51 feet along the South line of said Lot 34 to the Point of Beginning; thence South 00°26'15" East, 7.50 feet; thence South 89°33'45" West, 5.00 feet; thence North 00°26'15" West, 7.50 feet to the South line of said Lot 34; thence North 89°33'45" East, 5.00 feet to the point of beginning.

Lying between elevations 183.76 feet and 189.76 feet, City of Des Moines Vertical Datum (reference ground level elevation of 174.26 feet, City of Des Moines Vertical Datum). Horizontally containing 37.50 square feet.

And

### Easement #2

That part of University Avenue right-of-way lying South of and adjoining the West 84.25 feet of Lot 34 in University Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

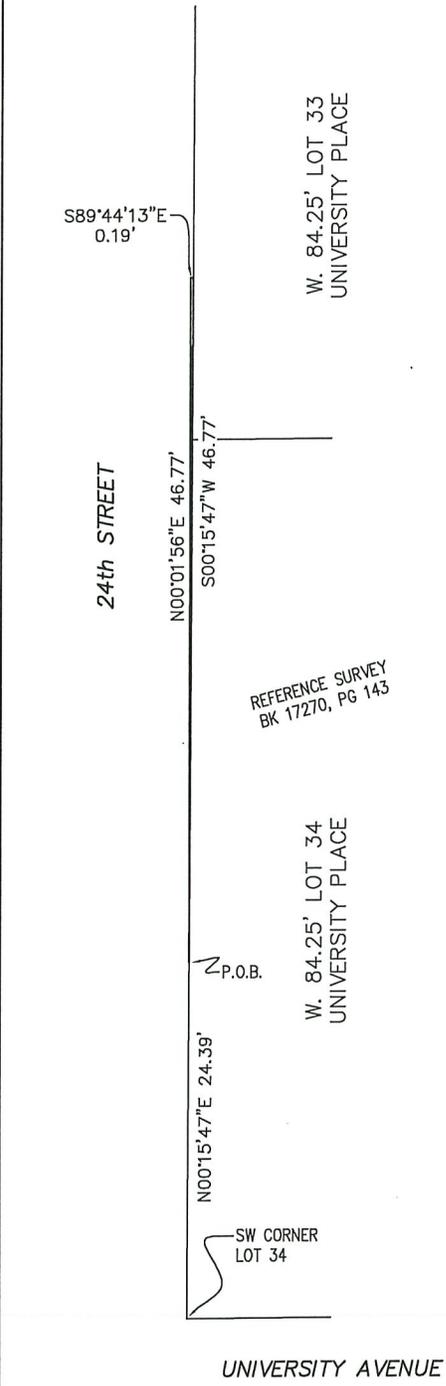
Commencing at the Southeast corner of said West 84.25 feet of Lot 34; thence South 89°(degrees) 33'(minutes) 45"(seconds) West (bearing assumed to match that Retracement Survey recorded in Book 17270 at Page 143 in the Office of the Polk County Recorder), 79.15 feet along the South line of said Lot 34 to the Point of Beginning; thence South 00°26'15" East, 7.50 feet; thence South 89°33'45" West, 5.00 feet; thence North 00°26'15" West, 7.50 feet to the South line of said Lot 34; thence North 89°33'45" East, 5.00 feet to the point of beginning.

Lying between elevations 183.76 feet and 189.76 feet, City of Des Moines Vertical Datum (reference ground level elevation of 174.26 feet, City of Des Moines Vertical Datum). Horizontally containing 37.50 square feet.

 <b>Engineering Resource Group, Inc.</b> 2413 GRAND AVENUE DES MOINES, IOWA 50312 (515) 288-4823	
<b>VACATION EXHIBIT</b>	
DATE: 3/31/2020	PROJ. NO.: 19-016
DWG: 19-016-EASE.DWG	

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# VACATION EXHIBIT

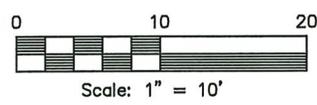


## LEGAL DESCRIPTION

That part of 24th Street right-of-way lying West of and adjoining the West 84.25 feet of Lots 33 and 34 in University Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southwest corner of said Lot 34; thence North 00°(degrees) 15'(minutes) 47"(seconds) East (bearing assumed to match that Retracement Survey recorded in Book 17270 at Page 143 in the Office of the Polk County Recorder), 24.39 feet along the West line of said Lot 34 to the Point of Beginning; thence North 00°01'56" East, 46.77 feet; thence South 89°44'13" East, 0.19 feet to the West line of said Lot 33; thence South 00°15'47" West, 46.77 feet along the West lines of said Lots 33 and 34 to the point of beginning.

Containing 4.41 square feet.



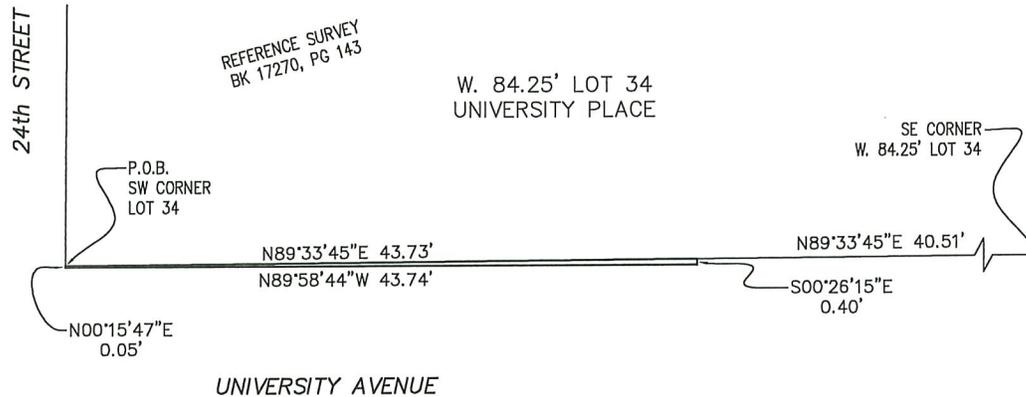
**ERG** Engineering Resource Group, Inc.  
 2413 GRAND AVENUE  
 DES MOINES, IOWA 50312  
 (515) 288-4823

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# VACATION EXHIBIT

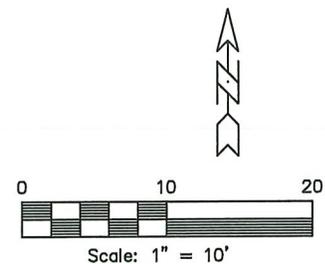


## LEGAL DESCRIPTION

That part of University Avenue right-of-way lying South of and adjoining the West 84.25 feet of Lot 34 in University Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 34; thence North 89°(degrees) 33'(minutes) 45"(seconds) East (bearing assumed to match that Retracement Survey recorded in Book 17270 at Page 143 in the Office of the Polk County Recorder), 43.73 feet along the South line of said Lot 34; thence South 00°26'15" East, 0.40 feet; thence North 89°58'44" West, 43.74 feet; thence North 00°15'47" East, 0.05 feet to the point of beginning.

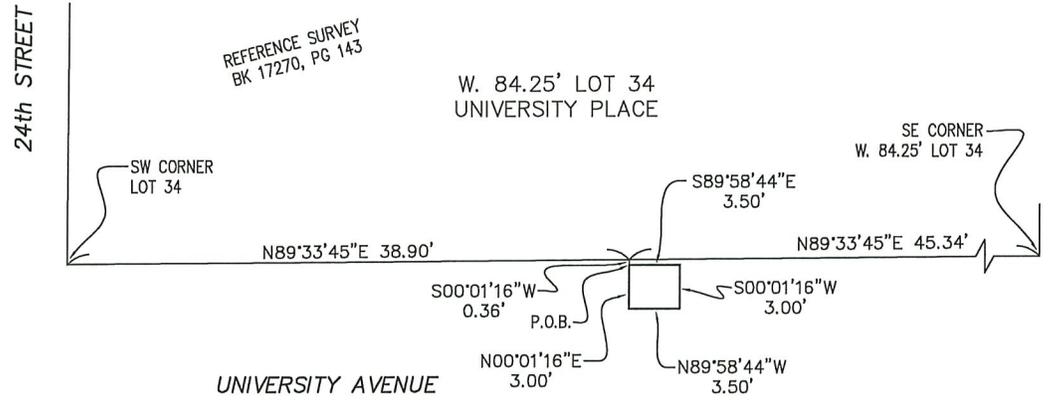
Containing 9.84 square feet.



<b>ERG</b>	Engineering Resources Group, Inc. 2413 GRAND AVENUE DES MOINES, IOWA 50312 (515) 288-4823	
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DWG: 19-016-EASE.DWG		

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# VACATION EXHIBIT

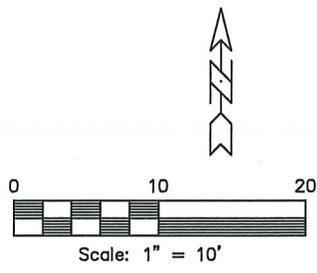


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Containing 10.50 square feet.



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