

Date March 22, 2021

An Ordinance entitled, "AN ORDINANCE vacating portions of East 35th Street, East 39th Street, East 40th Street, East 41st Street, East Sheridan Avenue and Osceola Avenue Right-of-way located in the Lower Fourmile Creek Floodplain,"

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
 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

4/12

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 East 35th Street, East 39th Street, East 40th Street, East 41st Street, East Sheridan Avenue and Osceola Avenue Right-of-way located in the Lower Fourmile Creek Floodplain.

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 East Sheridan Avenue from East 35th Street to East 36th Street, East 35th Street from Hull Avenue to Arthur Avenue, East 39th Street from East Jefferson Avenue to Four Mile Drive, Osceola Avenue from East 40th Street to East 41st Street, East 40th Street from Osceola Avenue to East Washington Avenue right-of-way developed with the Gay Lea Wilson Trail, and East 41st Street from Osceola Avenue to Indianapolis Avenue, more specifically described as follows, be and are hereby vacated:

Vacation Area A - E Sheridan Ave between E 35th St and E 36th St
ALL OF LOT "Q", FOUR MILE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.23 ACRES (10,081 SQUARE FEET).

Vacation Area B - E 35th St between Arthur Ave and Hull Ave
A PART OF LOT "O", FOUR MILE, AN OFFICIAL PLAT, LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF ARTHUR AVENUE AND LYING SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF HULL AVENUE, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES,

POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 2.06 ACRES (89,947 SQUARE FEET).

Vacation Area C - E 39th St between Four Mile Dr and E Jefferson Ave
ALL OF LOT "H", ELMWOOD PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.37 ACRES (16,086 SQUARE FEET).

Vacation Area D - Osceola Ave between E 40th St and E 41st St
A PART OF LOT "D", ELMWOOD PARK, AN OFFICIAL PLAT, LYING EAST OF THE NORTHERLY EXTENSION OF WEST RIGHT OF WAY LINE OF EAST 40TH STREET AND LYING WEST OF THE NORTHERLY EXTENSION OF THE EAST RIGHT OF WAY LINE OF EAST 41ST STREET, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.48 ACRES (21,035 SQUARE FEET).

Vacation Area E - E 40th St between Osceola Ave and E Washington Ave (Trail Corridor)
ALL OF LOT "C", ELMWOOD PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.17 ACRES (7,218 SQUARE FEET).

Vacation Area F - E 41st St between Osceola Ave and Indianapolis Ave
ALL OF LOT "E", ELMWOOD PARK, AN OFFICIAL PLAT; AND PART OF LOT "D" BROADACRE, AN OFFICIAL PLAT, LYING SOUTH OF THE EASTERLY EXTENSIONS OF THE SOUTH LINE OF LOT "A" IN SAID BROADACRE AND LYING NORTH OF THE EASTERLY EXTENSION OF THE NORTH RIGHT OF WAY LINE OF INDIANAPOLIS AVENUE, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.73 ACRES (31,924 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
SHEET 1 OF 3

SOUTH ROW LINE
OF HULL AVE

Hull Ave

AREA B

Vac E 35th St

FOUR MILE

E 36th St

E 36th Ct

E 37th St

WEST LINE
OF LOT Q

LOT Q

E Sheridan Ave

EAST LINE
OF LOT Q

AREA A

LOT Q

SOUTH ROW LINE
OF ARTHUR AVE

Arthur Ave

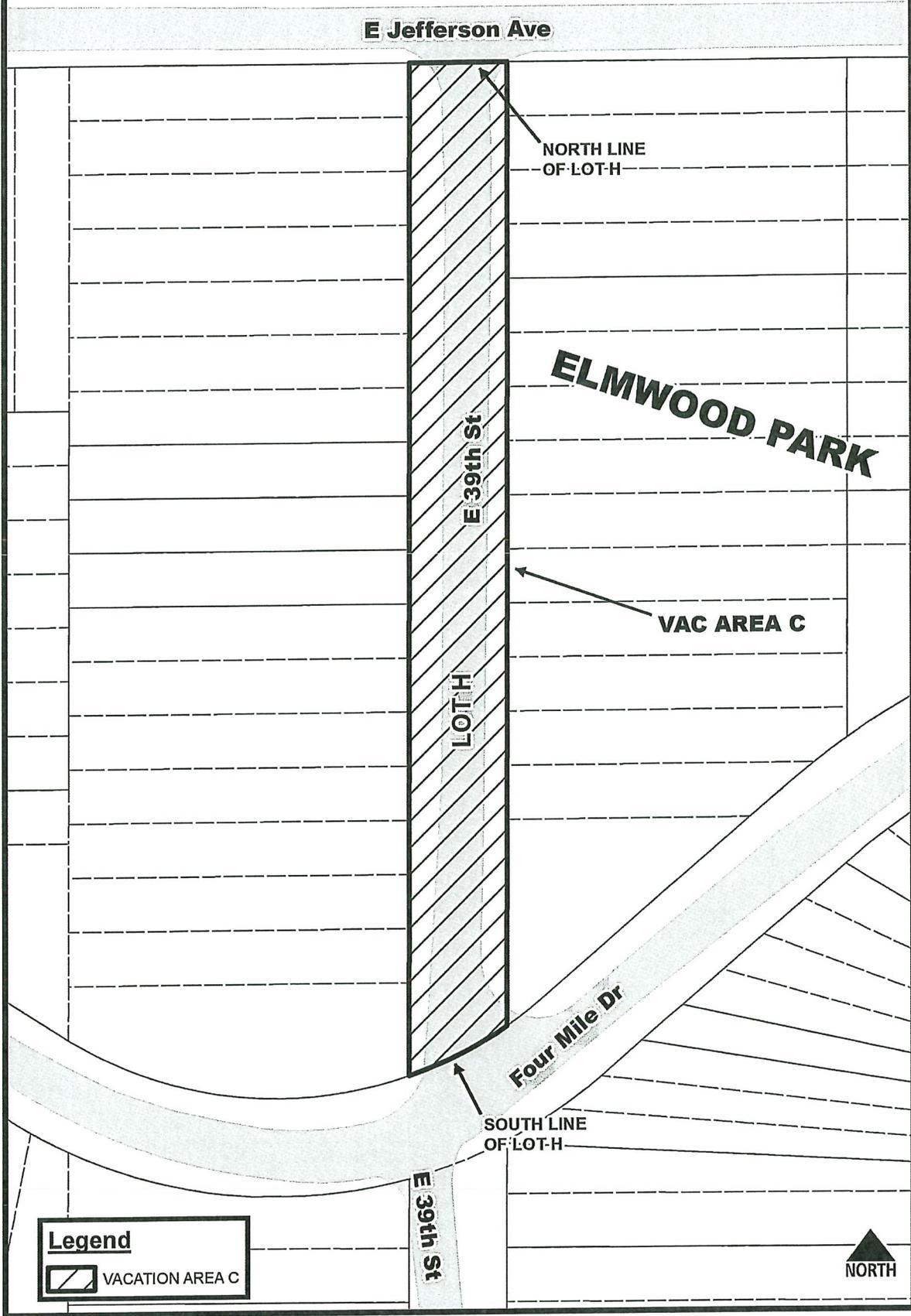
Legend

-  VACATION AREA A
-  VACATION AREA B



422

EXHIBIT A
SHEET 2 OF 3



Legend
[Hatched Box] VACATION AREA C



41a

**EXHIBIT A
SHEET 3 OF 3**

ELMWOOD PARK

Four-Mile Creek

AREA D

Vac Osceola Ave PT LOT D

WEST-ROW
LINE-OF-VAC
E 40TH-ST

LOT C

NORTH LINE
OF LOT C

SOUTH LINE OF
ELMWOOD PARK
AND NORTH LINE
OF BROADACRE

NORTH LINE
OF LOT E

LOT E

EAST-ROW
LINE-OF-VAC
E 41ST-ST

AREA E

LOT A

SOUTH LINE
OF LOT C

AREA F

SOUTH LINE
OF LOT E

SOUTH LINE
OF LOT A

BROADACRE

PT LOT D

E 40th St

NORTH ROW LINE
OF INDIANAPOLIS AVE

Vac E 41st St

Indianapolis Ave

Legend

-  VACATION AREA D
-  VACATION AREA E
-  VACATION AREA F

