



**Roll Call Number**

**Agenda Item Number**

63A

Date August 9, 2021

An Ordinance entitled, "AN ORDINANCE vacating portions of Southeast 3<sup>rd</sup> Street and Southeast 4<sup>th</sup> Street right-of-way",

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 Southeast 3<sup>rd</sup> Street and Southeast 4<sup>th</sup> Street right-of-way.

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 Southeast 3<sup>rd</sup> Street and Southeast 4<sup>th</sup> Street right-of-way, more specifically described as follows, be and is hereby vacated:

Legal Description – SE 3<sup>rd</sup> Street

A PART OF SOUTHEAST 3<sup>RD</sup> STREET RIGHT OF WAY LYING BETWEEN BLOCK 7 AND BLOCK N IN SCOTT & DEAN'S ADDITION, 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:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 7; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID BLOCK 7 TO THE NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY TO THE EASTERLY LINE OF SAID BLOCK N; THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE OF SAID BLOCK N TO THE NORTHEAST CORNER OF SAID BLOCK N; THENCE EAST ALONG A STRAIGHT LINE, SAID STRAIGHT LINE BEING ALSO THE SOUTH RIGHT OF WAY LINE OF VACATED RACCOON STREET, TO THE NORTHWEST CORNER OF SAID BLOCK 7 AND TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.06 ACRES (2,703 SQUARE FEET).

AND

Legal Description – SE 4<sup>th</sup> Street

The westerly 0.57 feet of SE 4th Street Right of Way lying between Block 6, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines and Block 31, Town of De Moine, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa excepting the northerly 4.12 feet.

And,

The westerly 0.57 feet of SE 4th Street Right of Way lying between Blocks 6 and Q, Scott and Dean's Addition, an Official Plat included in and forming a part of the City of Des Moines, Polk County, Iowa. Area contains 194 square feet.

IARCS - Zone 8

AND

That part of SE 4th Street Right of Way lying easterly of Block 7, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Beginning at the northeast corner of said Block 7; thence North 74 degrees 42 minutes 06 seconds East, 0.57 feet; thence South 15 degrees 04 minutes 35 seconds East, 70.23 feet; thence South 89 degrees 20 minutes 27 seconds West, 0.42 feet to a point on the easterly line of said Block 7; thence North 15 degrees 12 minutes 40 seconds West, along said easterly line, a distance of 70.12 feet to said Point of Beginning. Area contains 35 square feet.

BASIS OF BEARING:

The orientation of this bearing system is based on the easterly line of Block 7. Said line bears North 15 degrees 12 minutes 40 seconds West.

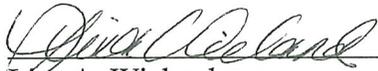
IARCS - Zone 8

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:

A handwritten signature in cursive script, appearing to read "Lisa A. Wieland". The signature is written in black ink and is positioned above a horizontal line.

Lisa A. Wieland

Assistant City Attorney

639

**EXHIBIT A**

Vac Raccoon St

NE CORNER OF BLOCK N

NW CORNER OF BLOCK 7

WESTERLY LINE OF BLOCK 7

**BLOCK 7**

EASTERLY LINE OF BLOCK N

NORTH ROW LINE OF E MLK JR PKWY

E. Martin Luther King Jr Pkwy

**BLOCK N**

**SCOTT & DEAN'S ADDITION**



**Legend**

 AREA TO BE VACATED



INDEX LEGEND	
PLAT OF VACATION	
CITY:	Des Moines
COUNTY:	Polk
PLAT NAME:	Scott & Dean's Addition
PROPRIETOR:	City of Des Moines
PLAT PREPARED FOR:	City of Des Moines
PLAT PREPARED BY:	Tom W.G. Edgerton
COMPANY NAME:	ISG
OFFICE ADDRESS:	508 East Locust Street
PHONE:	515-243-9143



**STREET VACATION DESCRIPTION:**

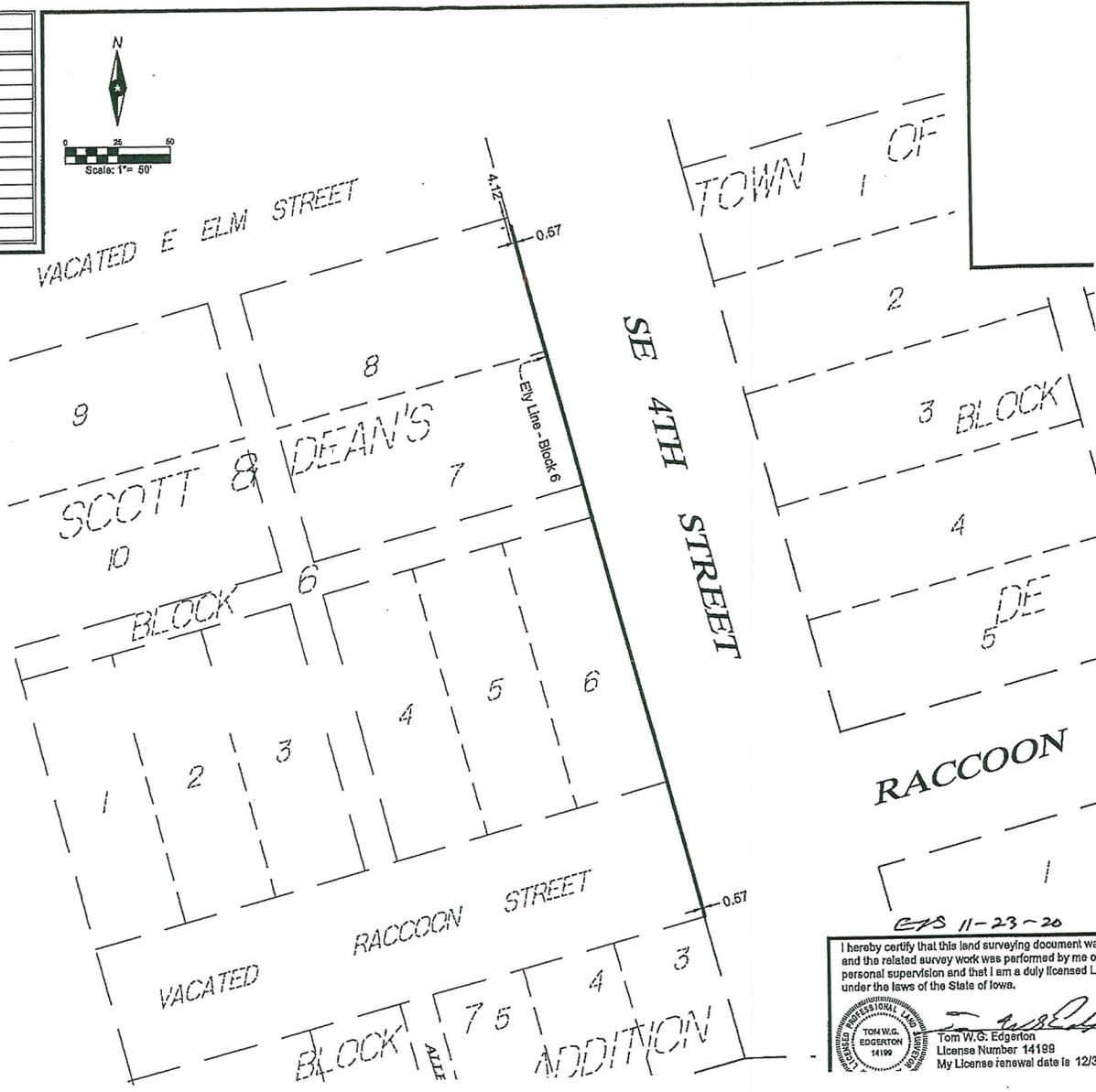
The westerly 0.57 feet of SE 4th Street Right of Way lying between Block 8, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines and Block 31, Town of De Moines, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa excepting the northerly 4.12 feet.

AND

The westerly 0.57 feet of SE 4th Street Right of Way lying between Blocks 6 and 7, Scott and Dean's Addition, an Official Plat included in and forming a part of the City of Des Moines, Polk County, Iowa.

Area contains 194 square feet.

IARCS - Zone 8



**LEGEND OF SYMBOLS/ABBREVIATIONS**

- MONUMENT FOUND (monuments as described)
- MAG NAIL SET
- MONUMENT SET (1/2" rebar w/rpc no. 14199)
- ◇ MAG NAIL FOUND
- ▲ SECTION CORNER FOUND (monuments as described)
- △ SECTION CORNERS SET (1/2" rebar w/rpc no. 14199)
- 100.00' MEASURED
- (100.00') RECORDED AS
- rpc RED PLASTIC CAP

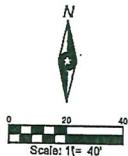
I hereby certify that this land surveying document was and the related survey work was performed by me or under my personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.



Tom W.G. Edgerton  
 License Number 14199  
 My License renewal date is 12/31/20

DRAWN BY: JAMES W. WILSON

INDEX LEGEND	
PLAT OF VACATION	
CITY:	Des Moines
COUNTY:	Polk County
PLAT NAME:	Scott & Dean's Addition
PROPRIETOR:	City of Des Moines
PLAT PREPARED FOR:	City of Des Moines
PLAT PREPARED BY:	Tom W.G. Edgerton
COMPANY NAME:	ISG
OFFICE ADDRESS:	608 East Locust Street
PHONE:	515-243-9143



**STREET VACATION DESCRIPTION:**

That part of SE 4th Street Right of Way lying easterly of Block 7, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

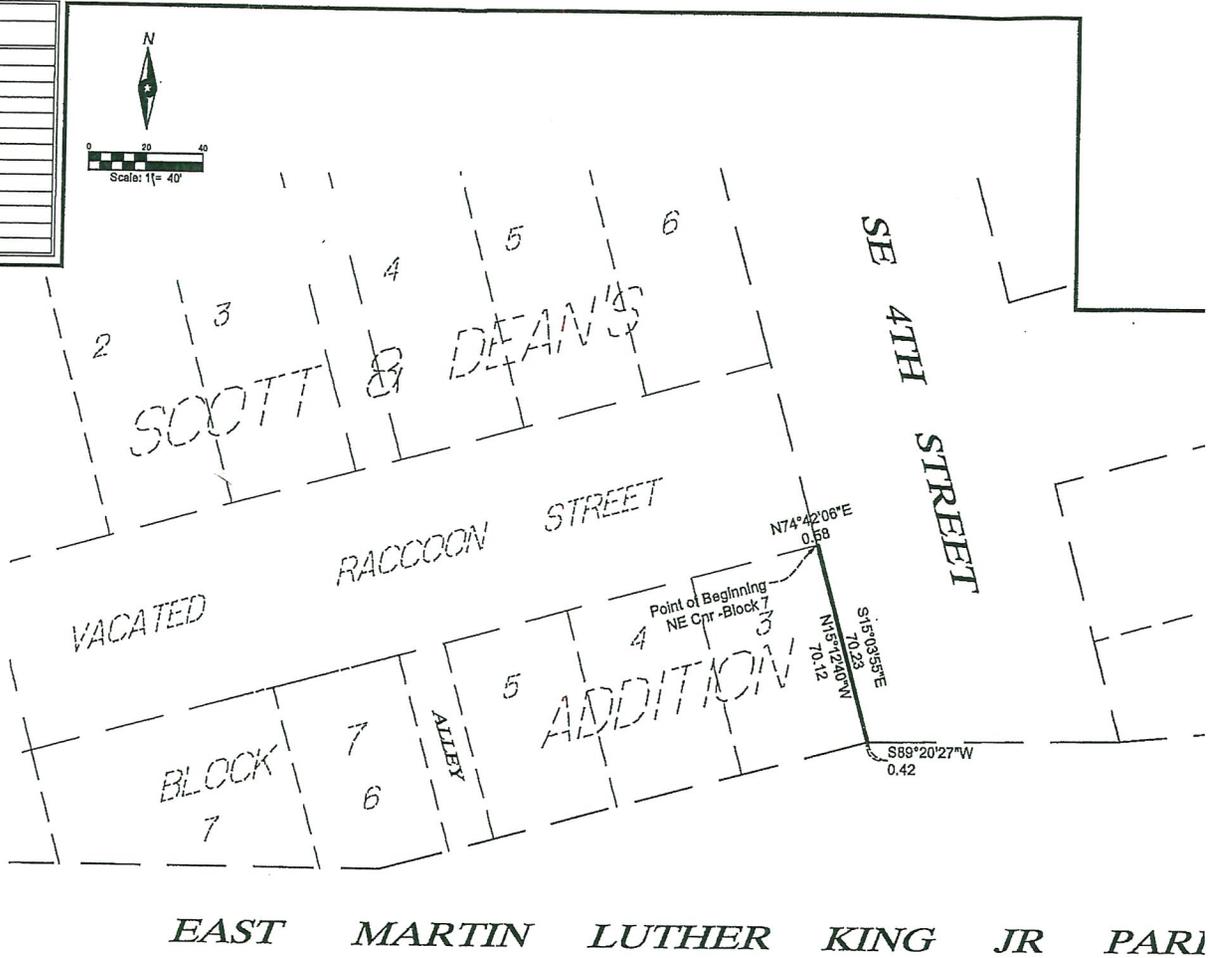
Beginning at the northeast corner of said Block 7; thence North 74 degrees 42 minutes 06 seconds East, 0.67 feet; thence South 15 degrees 04 minutes 35 seconds East, 70.23 feet; thence South 89 degrees 20 minutes 27 seconds West, 0.42 feet to a point on the easterly line of said Block 7; thence North 15 degrees 12 minutes 40 seconds West, along said easterly line, a distance of 70.12 feet to said Point of Beginning.

Area contains 35 square feet.

**BASIS OF BEARING:**

The orientation of this bearing system is based on the easterly line of Block 7. Said line bears North 15 degrees 12 minutes 40 seconds West.

IARCS - Zone 8



**LEGEND OF SYMBOLS/ABBREVIATIONS**

- MONUMENT FOUND (monuments as described)
- MAG NAIL SET
- MONUMENT SET (1/2" rebar w/rpc no. 14199)
- ◇ MAG NAIL FOUND
- ▲ SECTION CORNER FOUND (monuments as described)
- △ SECTION CORNERS SET (1/2" rebar w/rpc no. 14199)
- 100.00' MEASURED
- (100.00)' RECORDED AS
- RPC RED PLASTIC CAP

*BS 11-23-21*

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.



Tom W.G. Edgerton  
License Number 14199  
My License Renewal Date is 12/31/21