



**Roll Call Number**

**Agenda Item Number**

64A

**Date** August 9, 2021

An Ordinance entitled, "AN ORDINANCE vacating a portion of Ohio Street right-of-way located north of Franklin Avenue and east of and adjoining 101 Franklin 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

64a

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 a portion of Ohio Street right-of-way located north of Franklin Avenue and east of and adjoining 101 Franklin 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 a portion of Ohio Street right-of-way located north of Franklin Avenue and east of and adjoining 101 Franklin Avenue, more specifically described as follows, be and is hereby vacated:

**-EXCEPT** A TRIANGLE PARCEL BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, BLOCK 1, ROLLINSON'S GARDEN ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 35 FEET; THENCE SOUTHWESTERLY ALONG A LINE TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 2, SAID POINT BE 20 FEET WEST OF SAID SOUTHWEST CORNER OF SAID LOT 2; THENCE EAST ALONG SAID WESTERLY EXTENSION TO THE POINT OF BEGINNING-, ALL OF THE OHIO STREET RIGHT OF WAY LYING WEST OF AND ADJOINING SAID LOT 2, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.13 ACRES (5777 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



ALLEY  
 NORTH LINE OF LOT 2

LOT 2

## BLOCK 1

WEST LINE OF LOT 2

SOUTH LINE OF LOT 2

35'

20'

SW CORNER OF LOT 2

### Franklin Ave

**ROLLINSON'S GARDEN ADDITION  
 TO NORTH DES MOINES**

Ohio St

**Legend**

 AREA TO BE VACATED

