

★ Roll Call Number

Agenda Item Number

35A

Date August 23, 2021

An Ordinance entitled, "AN ORDINANCE vacating a 6.5-foot by 43.0-foot segment of surface rights and an 11.0-foot by 9.75-foot segment of subsurface rights in Watson Powell Jr. Way right-of-way adjoining 524 4th Street",

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				
MOTION CARRIED			APPROVED	

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.

 Mayor

 City Clerk

35A

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 6.5-foot by 43.0-foot segment of surface rights and an 11.0-foot by 9.75-foot segment of subsurface rights in Watson Powell Jr. Way right-of-way adjoining 524 4th Street.

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 6.5-foot by 43.0-foot segment of surface rights and an 11.0-foot by 9.75-foot segment of subsurface rights in Watson Powell Jr. Way right-of-way adjoining 524 4th Street, more specifically described as follows, be and is hereby vacated:

Surface Vacation:

A rectangular shaped portion of the Watson Powell Jr. Way Right of Way north of and adjacent to Lot 13, The New Y.M.C.A. Plat, an Official Plat, Des Moines, Polk County, Iowa, more particularly described as follows: Commencing at the northeast corner of said Lot 13; thence N89°33'20"W along the south Right of Way line of said Watson Powell Jr. Way, a distance of 55.24 feet to the point of beginning; thence continuing N89°33'20"W along said Right of Way line, a distance of 43.00 feet; thence N00°26'40"E, a distance of 6.50 feet; thence S89°33'20"E, a distance of 43.00 feet; thence S00°26'40"W, a distance of 6.50 feet to the point of beginning. Easement contains 280 square feet.

Subsurface Vacation:

A rectangular shaped portion of the Watson Powell Jr. Way Right of Way north of and adjacent to Lot 13, The New Y.M.C.A. Plat, an Official Plat, Des Moines, Polk County, Iowa, more particularly described as follows: Commencing at the northeast corner of said Lot 13; thence N89°33'20"W along the south Right of Way line of said Watson Powell Jr. Way, a distance of 59.00 feet to the point of beginning; thence continuing N89°33'20"W along said Right of Way line, a distance of 9.75 feet; thence N00°26'49"E, a distance of 11.00 feet; thence S89°33'20"E, a

distance of 9.75 feet; thence S00°26'49"W, a distance of 11.00 feet to the point of beginning. Easement contains 107 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

VACATION EXHIBIT

SURFACE VACATION

LEGEND:

- PROPERTY CORNER
- ⊕ SECTION CORNER
- M MEASURED DISTANCE
- P PLATTED DISTANCE
- D DEEDED DISTANCE
- PRA PREVIOUSLY RECORDED AS
- ROW RIGHT OF WAY
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING

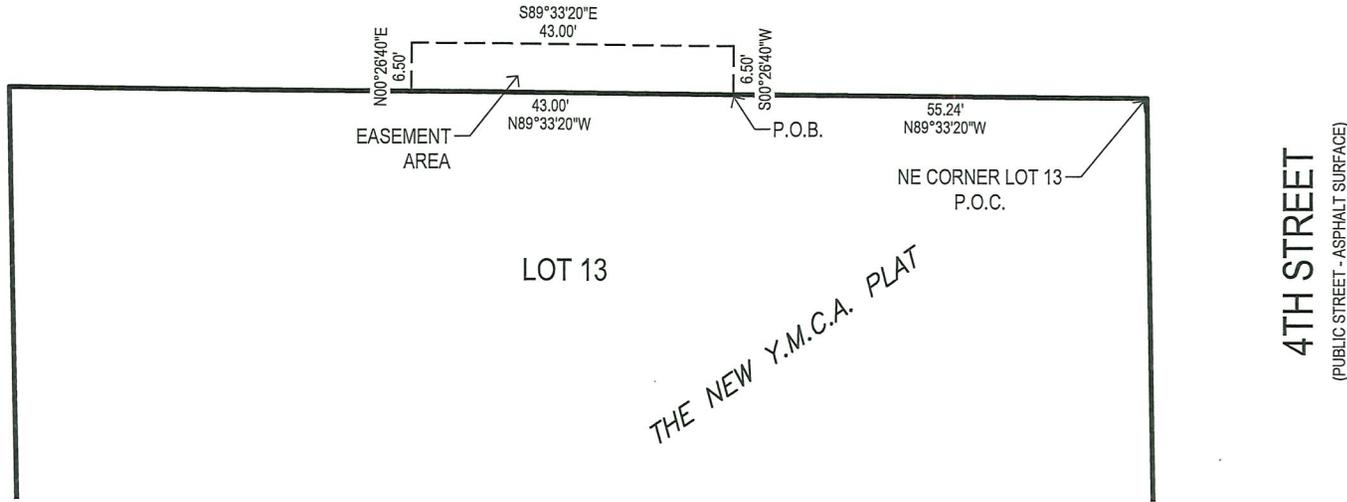
VACATION DESCRIPTION:

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Easement contains 280 square feet.

WATSON POWELL JR WAY

(PUBLIC STREET - ASPHALT SURFACE)



EVS 6-30-21

OWNER:
CITY OF DES MOINES
RIGHT OF WAY

PREPARED FOR:
IOWA DEPARTMENT FOR THE BLIND



Bishop Engineering
"Planning Your Successful Development"

3501 104th Street

Des Moines, Iowa 50322-5825

Phone: (515)76-0467 Fax: (515)76-0217

Civil Engineering & Land Surveying

Established 1959

SURFACE VACATION
IA DEPT FOR THE BLIND
VACATION EXHIBIT

REFERENCE NUMBER:

DRAWN BY:
MDM

PROJECT NUMBER:
210079

VACATION EXHIBIT

SUBSURFACE VACATION

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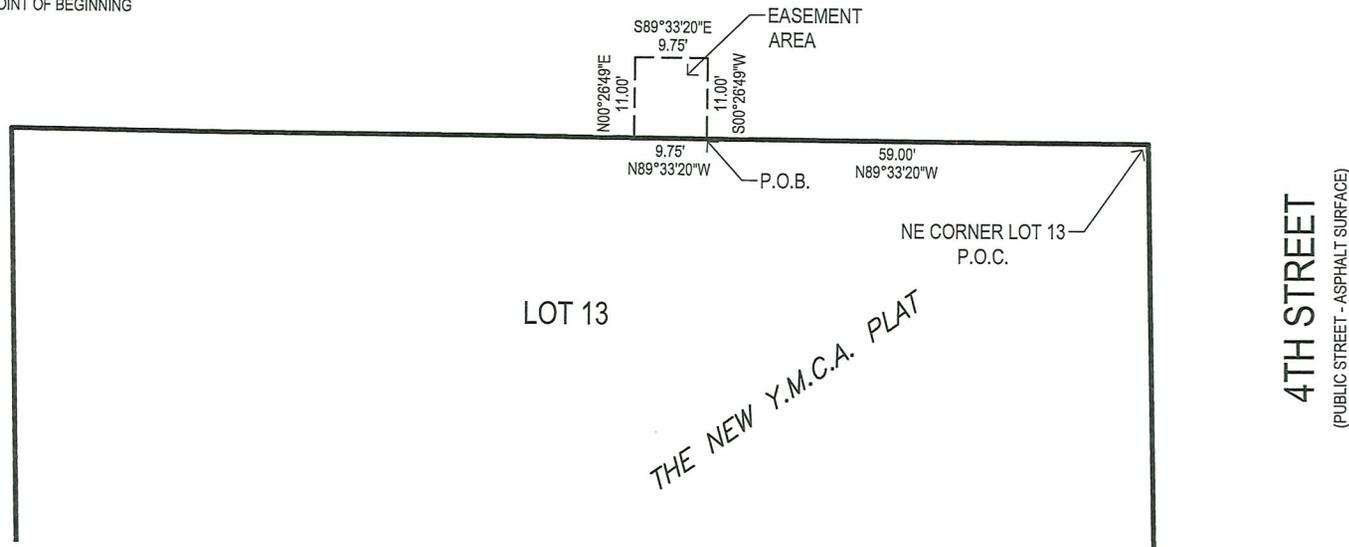
Easement contains 107 square feet.

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- PRA PREVIOUSLY RECORDED AS
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WATSON POWELL JR WAY

(PUBLIC STREET - ASPHALT SURFACE)



E25 6-30-21

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