



**Roll Call Number**

**Agenda Item Number**

37A

Date August 23, 2021

An Ordinance entitled, "AN ORDINANCE vacating segments of street and alley right-of-way in the vicinity of Southeast Astor Street and Shaw Street, and in the vicinity of Southeast 16<sup>th</sup> Street and Vale 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

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 segments of street and alley right-of-way in the vicinity of Southeast Astor Street and Shaw Street, and in the vicinity of Southeast 16<sup>th</sup> Street and Vale 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 segments of street and alley right-of-way in the vicinity of Southeast Astor Street and Shaw Street, and in the vicinity of Southeast 16<sup>th</sup> Street and Vale Street, more specifically described as follows, be and is hereby vacated:

**Area A – North of Maury Street**

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAYS IN BLOCKS 2, 3, 5 AND 6,  
AND

ALL OF THE SOUTHEAST ASTOR STREET RIGHT OF WAY LYING WEST OF AND  
ADJOINING SAID BLOCK 6,  
AND

ALL OF THE SOUTHEAST ASTOR STREET RIGHT OF WAY LYING NORTH OF THE  
WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 8 IN SAID BLOCK 3 AND LYING  
SOUTH OF THE NORTHWESTERLY EXTENSION OF THE NORTH LINE OF LOT 1 IN  
SAID BLOCK 3,  
AND

ALL OF THE SHAW STREET RIGHT OF WAY LYING EAST OF THE SOUTHERLY  
EXTENSION OF THE WEST RIGHT OF WAY LINE OF THE NORTH/SOUTH ALLEY IN  
SAID BLOCK 2 AND LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST  
LINE OF SAID BLOCK 3,

ALL IN HAWTHORN GROVE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND  
FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND  
CONTAINING APPROXIMATELY 1.46 ACRES (63,766 SQUARE FEET).

**Area B – South of Maury Street**

ALL OF THE VALE STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 19 THROUGH 36,  
AND

ALL OF THE SOUTHEAST 16<sup>TH</sup> STREET RIGHT OF WAY LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 18 AND LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 54,  
ALL IN GRAY'S SUBDIVISION OF BLOCK 61, BROOKS AND CO'S ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1.62 ACRES (70,751 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. This vacation is subject to an access easement for fence maintenance purposes over the portion of north-south alley right-of-way adjoining 1520 Maury Street, and adjoining 609, 613 and 627 Southeast 15th Court, which benefited property is legally described as follows:

LOTS 1, 2, 4, AND 8 IN BLOCK 2, AND LOTS 1 THROUGH 10 IN BLOCK 5, HAWTHORN GROVE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

Said access easement for fence maintenance purposes shall run with the land and benefit successors and assigns of the above-described benefited property. Said access easement for fence maintenance purposes shall automatically terminate in the event the existing fencing located therein ceases to exist for any reason in the future:

Sec. 4. 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. 5. 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

Scott Ave

Scott Ave

**EXHIBIT A**

NORTH LINE OF BLOCK 2

LOT 1

NORTH LINE OF LOT 1

NORTH LINE OF BLOCK 3

**BLOCK-2**

**BLOCK-3**

WEST LINE OF N/S ALLEY IN BLOCK 2

SOUTH LINE OF LOT 8

SOUTH LINE OF BLOCK 2

SOUTH LINE OF BLOCK 3

SE 15th St

Shaw St

SE Astor St

EAST LINE OF BLOCK 3

NORTH LINE OF BLOCK 5

NORTH LINE OF BLOCK 6

**HAWTHORN GROVE**

SE 15th Ct

**BLOCK-5**

**BLOCK-6**

SOUTH LINE OF BLOCK 5

SOUTH LINE OF BLOCK 6

Maury St

NORTH LINE OF LOT 18

WEST LINE OF LOT 36

LOT 18

SE 16th St

EAST LINE OF LOT 19

**GRAY'S SUBDIVISION OF BLOCK-61**  
**BROOKS & CO'S ADDITION**

LOT 36

LOT 35

LOT 34

LOT 33

LOT 32

LOT 31

LOT 30

LOT 29

LOT 28

LOT 27

LOT 26

LOT 25

LOT 24

LOT 23

LOT 22

LOT 21

LOT 20

LOT 19

Vale St

SOUTH LINE OF LOT 54

LOT 54

**Legend**

 AREA TO BE VACATED

