



Roll Call Number

Agenda Item Number

39A

Date August 23, 2021

An Ordinance entitled, "AN ORDINANCE repealing Ordinance No. 15,907 and vacating a portion of East Martin Luther King, Jr. Parkway right-of-way located between East 15th Street and East 18th Street",

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				
MOTION CARRIED		APPROVED		
_____ Mayor				

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.

_____ City Clerk

39A

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 repealing Ordinance No. 15,907 and vacating a portion of East Martin Luther King, Jr. Parkway right-of-way located between East 15th Street and East 18th 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. The Ordinance No. 15,907 is hereby repealed.

Sec. 2. That a portion of East Martin Luther King, Jr. Parkway right-of-way located between East 15th Street and East 18th Street, more specifically described as follows, be and is hereby vacated:

A PORTION OF RIGHT OF WAY DEDICATION TRACT 1, AS SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 16485, PAGE 889, IN THE OFFICE OF THE RECORDER, POLK COUNTY, IOWA, SAID PORTION BEING A PORTION OF LOTS 1 THRU 19, AND A PORTION OF VACATED RACCOON STREET ADJOINING LOTS 1 THRU 3, AND A PORTION OF VACATED SOUTHEAST 16TH STREET ADJOINING LOT 19, ALL IN COTTAGE ADDITION, AND A PORTION OF LOTS 2, 3, 6 AND A PORTION OF THE VACATED NORTH/SOUTH ALLEY ADJOINING LOTS 2, 3, AND 6, AND A PORTION OF THE VACATED RAILROAD, ALL IN CHOICE ADDITION TO DES MOINES, IOWA, AND A PORTION OF LOTS 34, 35, AND 36, BROOKS AND COS ADDITION TO THE CITY OF DES MOINES, AND A PORTION OF LOT 38, CAPITAL ADDITION, AND A PORTION OF FORMER CHICAGO, ROCK ISLAND, & PACIFIC RAILROAD, ALL OFFICIAL PLATS, ALL NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF EAST MARTIN LUTHER KING JR PARKWAY AND SOUTHEAST 15TH STREET; THENCE NORTH 83°(DEGREES) 07'(MINUTES) 17"(SECONDS) EAST, 508.46 FEET ON THE NORTHERLY RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY; THENCE 614.07 FEET ON A 5115.00 FOOT RADIUS CURVE TO THE RIGHT WITH A CHORD BEARING NORTH 86°33'39" EAST, 613.71 FEET ON SAID NORTH RIGHT OF WAY LINE; THENCE NORTH 90°00'00" EAST, 775.21 FEET ON SAID NORTH RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF SOUTHEAST 18TH STREET; THENCE SOUTH 43°02'05" WEST, 58.83 FEET; THENCE NORTH 90°00'00" WEST, 671.03 FEET; THENCE 887.57 FEET ON A 7527.00 FOOT RADIUS CURVE TO THE LEFT WITH A CHORD BEARING SOUTH 86°37'19" WEST, 887.06 FEET; THENCE SOUTH 88°49'59" WEST, 80.56 FEET; THENCE SOUTH 83°07'17" WEST, 180.15 FEET; THENCE NORTH 61°20'28" WEST, 41.62 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 15TH STREET; THENCE NORTH 00°03'46" EAST, 0.81 FEET ON SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING CONTAINING (72,704 SQUARE FEET) 1.67 ACRES, MORE OR LESS.

SUBJECT TO ALL EASEMENTS AND AGREEMENTS OF RECORD.

Sec. 3. 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. 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

City:	Des Moines
County:	Polk County
Parcel ID:	040/00521-004-000
Description:	Pt of Cottage Addition, Pt of Choice Addition to DSM, Pt of Brooks and Cos Addition to DSM, Pt of Capital Addition, Pt of Former Chicago, Rock Island, & Pacific Railroad (see Legal for more detail)
Proprietor:	City of Des Moines
Surveyor:	Chad W. Marsh
Company:	Kirkham Michael
Return To:	4390 114th Street Urbandale, Iowa 50322 (515) 270-0848

VACATION EXHIBIT (CORRECTED)

EXHIBIT 004-V1

OF RIGHT OF WAY BEING VACATED BY THE CITY OF DES MOINES
EAST MARTIN LUTHER KING JR PARKWAY, SE 15TH ST TO SE 18TH ST
CITY ACTIVITY ID: 01-2015-001

TITLE HOLDER #1:
CITY OF DES MOINES

MAILING ADDRESS:
CITY OF DES MOINES
400 ROBERT D RAY DR
DES MOINES, IA 50309-1813

LEGAL DESCRIPTIONS - 004-V1

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SUBJECT TO ALL EASEMENTS AND AGREEMENTS OF RECORD.

LEGEND

- ▲ FND. SECTION CORNER (AS NOTED)
- △ SET SECTION CORNER
- FOUND PROPERTY CORNER (AS NOTED)
- SET 5/8"x24" REROD W/ YELLOW PLASTIC CAP #17340 OR CUT "X"
- X CALCULATED POINT NOT SET
- M MEASURED
- R RECORDED PREVIOUSLY
- P.O.R. POINT OF REFERENCE
- P.O.B. POINT OF BEGINNING
- I.R. IRON ROD
- I.P. IRON PIPE
- SECTION LINE
-  VACATION AREA

EAS 8-6-21

FIELD SURVEY COMPLETED: JULY 2018



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

Chad W. Marsh 8-5-21
CHAD W. MARSH DATE

License Number 17340

My license renewal date is DECEMBER 31, 2022.

Pages or sheets covered by this seal:

Sheet 1 thru sheet 2

SURVEY FOR:

CITY OF DES MOINES
400 Robert D. Ray Drive
Des Moines, Iowa 50309-1891
Phone: (515) 283-4542



Kirkham Michael
4390 114th Street
Urbandale, IA 50322
Phone: 515-270-0848
Fax: 515-270-1067

DRAWN BY: DEL
APPROVE BY: CWM
SCALE: 1"=200'
REVISION DATE:

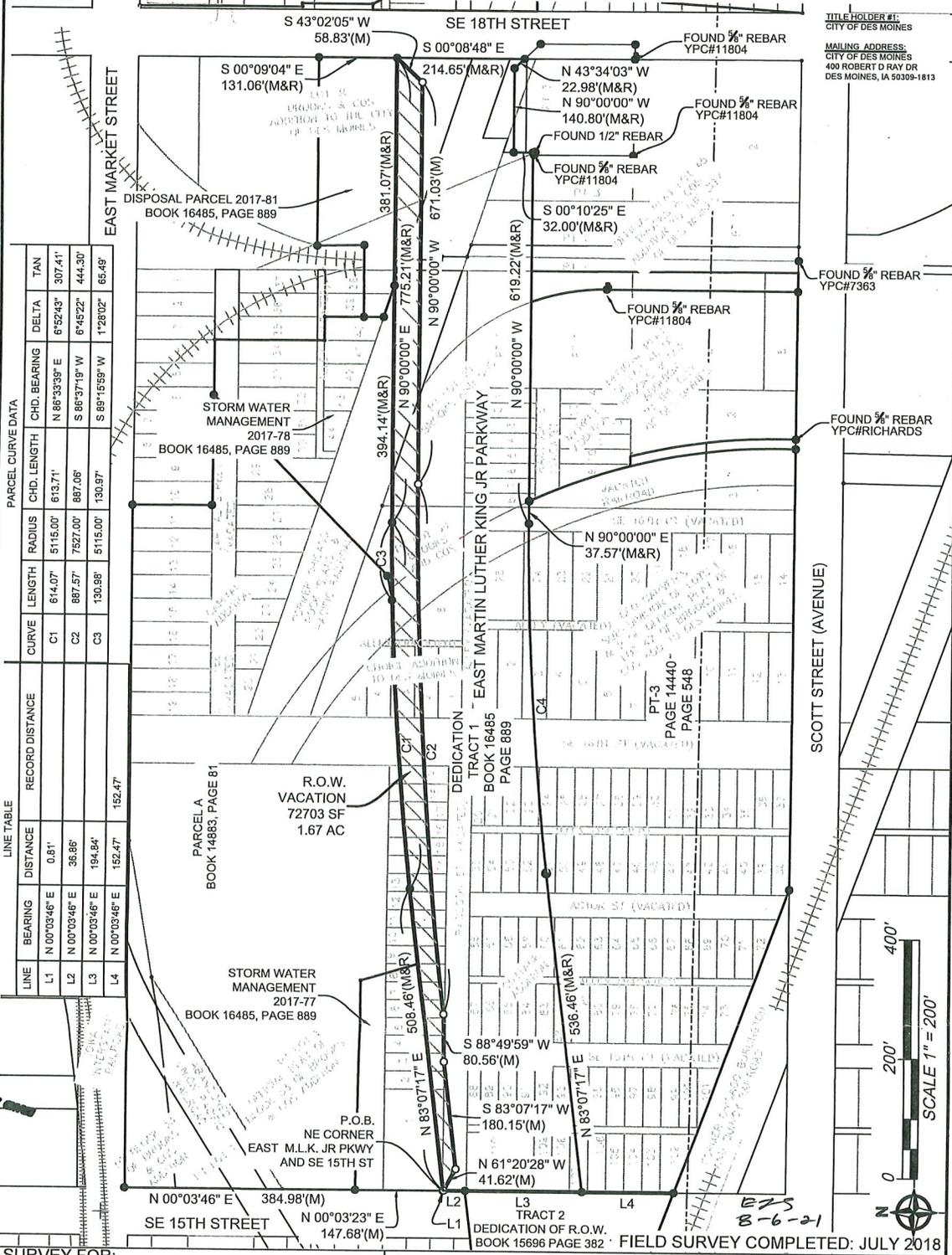
SHEET

1 OF 2

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 EAST MARTIN LUTHER KING JR PARKWAY, SE 15TH ST TO SE 18TH ST
 CITY ACTIVITY ID: 01-2015-001



LINE TABLE

LINE	BEARING	DISTANCE	RECORD DISTANCE	CURVE	LENGTH	RADIUS	CHD. LENGTH	CHD. BEARING	DELTA	TAN
L1	N 00°03'46" E	0.81'		C1	614.07'	5115.00'	613.71'	N 86°33'39" E	6°52'43"	307.41'
L2	N 00°03'46" E	36.86'		C2	887.57'	7527.00'	887.06'	S 86°37'19" W	6°45'22"	444.30'
L3	N 00°03'46" E	194.84'		C3	130.98'	5115.00'	130.97'	S 89°15'59" W	1°28'02"	65.49'
L4	N 00°03'46" E	152.47'	152.47'							

PARCEL CURVE DATA

CURVE	LENGTH	RADIUS	CHD. LENGTH	CHD. BEARING	DELTA	TAN
C1	614.07'	5115.00'	613.71'	N 86°33'39" E	6°52'43"	307.41'
C2	887.57'	7527.00'	887.06'	S 86°37'19" W	6°45'22"	444.30'
C3	130.98'	5115.00'	130.97'	S 89°15'59" W	1°28'02"	65.49'

TITLE HOLDER #1:
 CITY OF DES MOINES
 MAILING ADDRESS:
 CITY OF DES MOINES
 400 ROBERT D RAY DR
 DES MOINES, IA 50309-1813



SURVEY FOR:

CITY OF DES MOINES
 400 Robert D. Ray Drive
 Des Moines, Iowa 50309-1891
 Phone: (515) 283-4542



Kirkham Michael
 4390 114th Street
 Urbandale, IA 50322
 Phone: 515-270-0848
 Fax: 515-270-1067

DRAWN BY: DEL
 APPROVE BY: CWM
 SCALE: 1"=200'
 REVISION DATE:

SHEET
 2 OF 2

FIELD SURVEY COMPLETED: JULY 2018