



**Roll Call Number**

**Agenda Item Number**

43A

Date October 4, 2021

An Ordinance entitled, "AN ORDINANCE vacating a 5.50-foot by 50.61-foot segment of 6<sup>th</sup> Avenue right-of-way located east of and adjoining 3524 6<sup>th</sup> Avenue",

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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE vacating a 5.50-foot by 50.61-foot segment of 6<sup>th</sup> Avenue right-of-way located east of and adjoining 3524 6<sup>th</sup> 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 5.50-foot by 50.61-foot segment of 6<sup>th</sup> Avenue right-of-way located east of and adjoining 3524 6<sup>th</sup> Avenue, more specifically described as follows, be and is hereby vacated:

Beginning at the Northeast corner of said Lot 1; thence North 89°(degrees) 54'(minutes) 32"(seconds) East, 5.50 feet along an extension of the North line of said Lot 1; thence South 00°03'34" West, 50.61 feet along a line that is parallel to and 5.50 feet easterly of the East line of said Lot 1; thence North 89°56'26" West, 5.50 feet to the East line of said Lot 1; thence North 00°03'34" East, 50.60 feet along the East line of said Lot 1 to the point of beginning.

Lying between elevations 900.5 feet and 927.0 feet, North American Vertical Datum of 1988 (reference ground level elevation of 888.87 feet, NAVD 88, at the Northeast corner of said Lot 1). Horizontally containing 278 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.

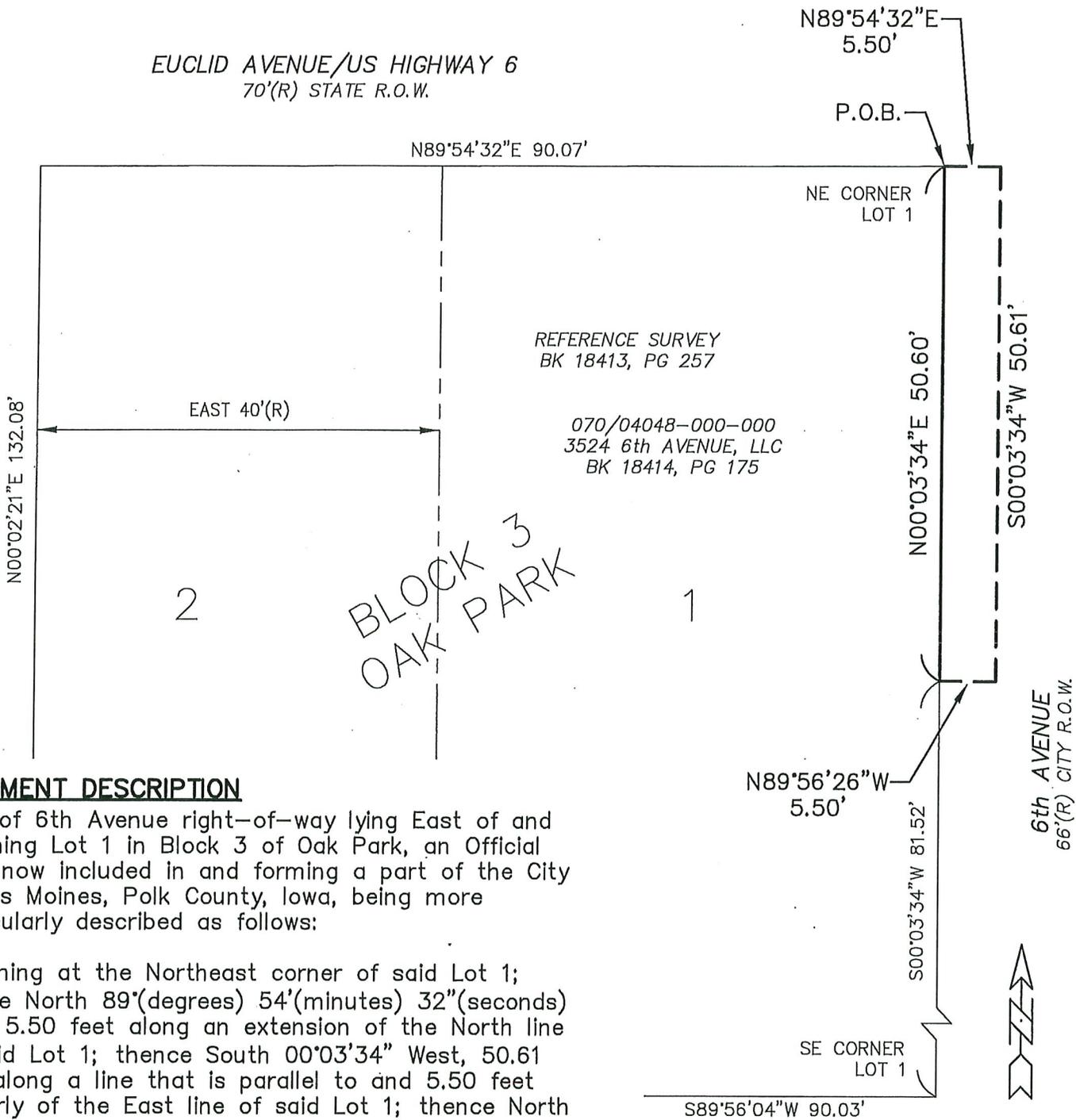
FORM APPROVED:

  
\_\_\_\_\_  
Lisa A. Wieland  
Assistant City Attorney

# VACATION EXHIBIT

## AIR RIGHTS

*EUCLID AVENUE/US HIGHWAY 6*  
70'(R) STATE R.O.W.



**EASEMENT DESCRIPTION**

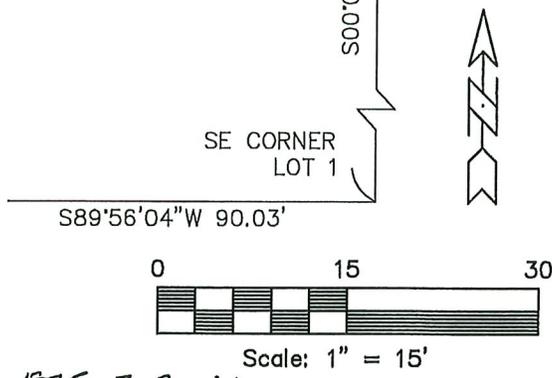
Part of 6th Avenue right-of-way lying East of and adjoining Lot 1 in Block 3 of Oak Park, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Beginning at the Northeast corner of said Lot 1; thence North 89°(degrees) 54'(minutes) 32"(seconds) East, 5.50 feet along an extension of the North line of said Lot 1; thence South 00°03'34" West, 50.61 feet along a line that is parallel to and 5.50 feet easterly of the East line of said Lot 1; thence North 89°56'26" West, 5.50 feet to the East line of said Lot 1; thence North 00°03'34" East, 50.60 feet along the East line of said Lot 1 to the point of beginning.

Lying between elevations 900.5 feet and 927.0 feet, North American Vertical Datum of 1988 (reference ground level elevation of 888.87 feet, NAVD 88, at the Northeast corner of said Lot 1). Horizontally containing 278 square feet.

**LEGEND**

- R.O.W. RIGHT OF WAY
- P.O.B. POINT OF BEGINNING



**ERG** Engineering Resource Group, Inc.  
2413 GRAND AVENUE  
DES MOINES, IOWA 50312  
(515) 288-4823

## VACATION EXHIBIT

DATE: 7/09/2021	PROJ. NO.:
DWG: 21-010-EASE.DWG	21-010