



**Date** February 7, 2022

**SET HEARING FOR APPROVAL OF DOCUMENTS TO CORRECT THE VACATION OF A PORTION OF SOUTHEAST 3<sup>RD</sup> STREET RIGHT-OF-WAY LOCATED NORTH OF EAST MARKET STREET AND SOUTH OF VACATED EAST VINE STREET AS PART OF THE MARKET DISTRICT REDEVELOPMENT PROJECT**

**WHEREAS**, on August 23, 2021, by Roll Call No. 21-1359, the City Council of the City of Des Moines voted to pass Ordinance No. 16,038 vacating approximately 2,654 square feet of Southeast 3<sup>rd</sup> Street right-of-way located south of vacated East Vine Street and north of East Market Street as part of the Market District Redevelopment Project, subject to the reservation of easements for any existing utilities until such time that they are abandoned; and

**WHEREAS**, subsequent to passing Ordinance No. 16,038, an error was discovered in the legal description of the vacated right-of-way leading to the need to repeal said ordinance and pass a new ordinance to vacate the properly described right-of-way.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, shall consider adoption of a corrected ordinance permanently vacating a portion of Southeast 3<sup>rd</sup> Street right-of-way located south of vacated East Vine Street and north of East Market Street, legally described as follows, subject to the reservation of easements for any existing utilities until such time that they are abandoned:

That part of SE 3rd Street Right of Way lying easterly of Block K, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Commencing at the southeast corner of said Block K; thence North 15 degrees 13 minutes 00 seconds West, along the easterly line of said Block K, a distance of 5.73 feet to the point of beginning; thence North 74 degrees 46 minutes 32 seconds East, 10.17 feet; thence North 15 degrees 04 minutes 47 seconds West, 253.49 feet; thence South 74 degrees 40 minutes 51 seconds West, 10.78 feet to a point on said easterly line; thence South 15 degrees 13 minutes 00 seconds East, along said easterly line, a distance of 253.47 feet to said Point of Beginning.

Area contains 2,654 square feet.

**BASIS OF BEARING:**

The orientation of this bearing system is based on the easterly line of Block K. Said line bears South 15 degrees 13 minutes 00 seconds East.

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2. That the meeting of the City Council at which the repeal of Ordinance No. 16,038 and the adoption of said corrected ordinance vacating such right-of-way is to be considered shall be on February 21, 2022, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. February 17, 2022 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1<sup>st</sup> Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

Please check the posted agenda in advance of the February 21, 2022 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland  
 Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
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

INDEX LEGEND	
PLAT OF VACATION	
CITY:	Des Moines
COUNTY:	Polk
PLAT NAME:	Scott & Dean's Addition
PROPRIETOR:	City of Des Moines
PLAT PREPARED FOR:	City of Des Moines
PLAT PREPARED BY:	Tom W.G. Edgerton
COMPANY NAME:	ISG
OFFICE ADDRESS:	608 East Locust Street
PHONE:	515-243-9143



**STREET VACATION DESCRIPTION:**

That part of SE 3rd Street Right of Way lying easterly of Block K, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

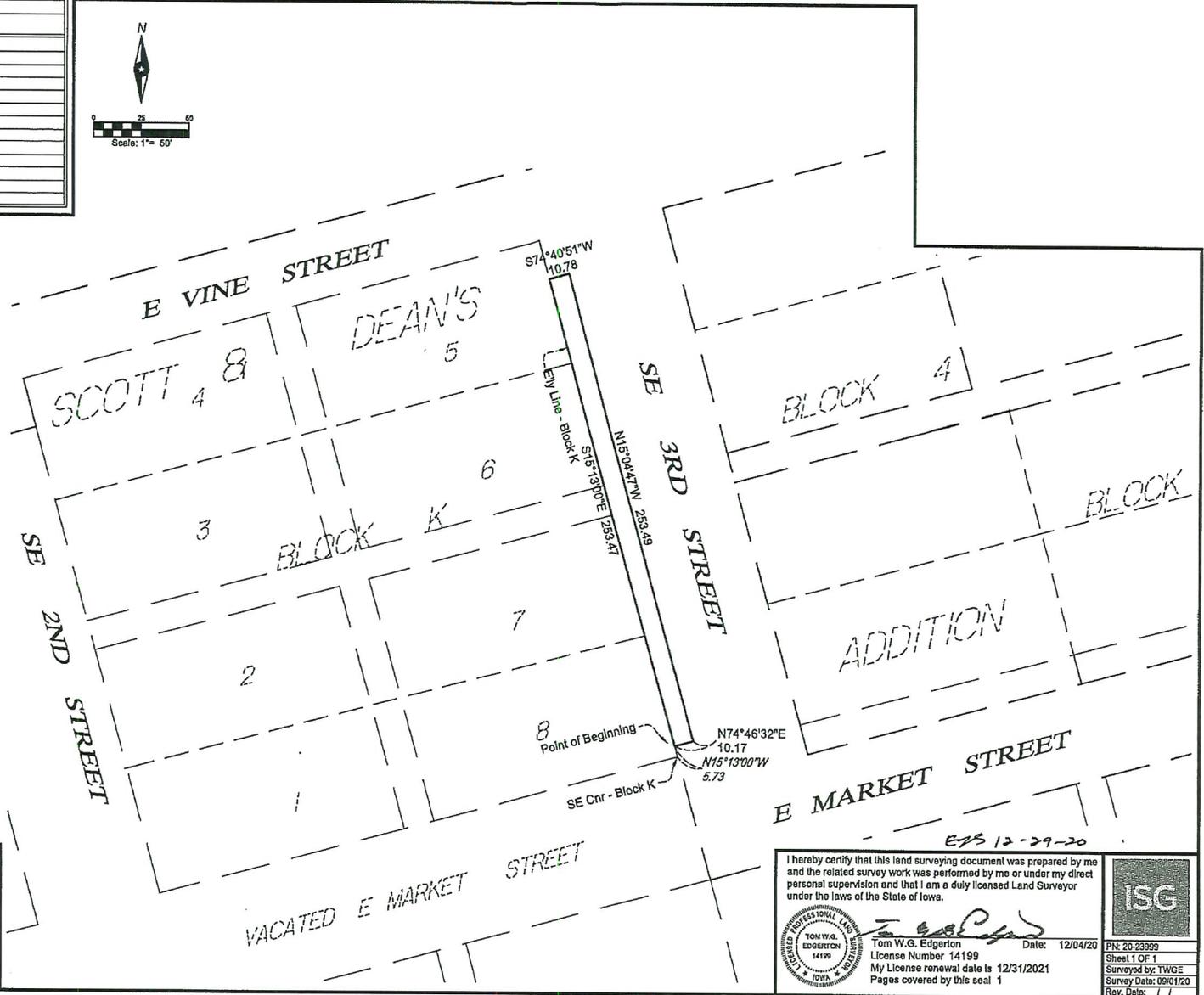
Commencing at the southeast corner of said Block K; thence North 15 degrees 13 minutes 00 seconds West, along the easterly line of said Block K, a distance of 5.73 feet to the point of beginning; thence North 74 degrees 46 minutes 32 seconds East, 10.17 feet; thence North 15 degrees 04 minutes 47 seconds West, 253.49 feet; thence South 74 degrees 40 minutes 51 seconds West, 10.78 feet to a point on said easterly line; thence South 15 degrees 13 minutes 00 seconds East, along said easterly line, a distance of 253.47 feet to said Point of Beginning.

Area contains 2,654 square feet.

**BASIS OF BEARING:**

The orientation of this bearing system is based on the easterly line of Block K. Said line bears South 15 degrees 13 minutes 00 seconds East.

IARCS - Zone 8



LEGEND OF SYMBOLS/ABBREVIATIONS	
●	MONUMENT FOUND (monuments as described)
○	MAG NAIL SET
◊	MONUMENT SET (1/2" rebar w/rpc no. 14199)
◇	MAG NAIL FOUND
▲	SECTION CORNER FOUND (monuments as described)
△	SECTION CORNERS SET (1/2" rebar w/rpc no. 14199)
100.00'	MEASURED
(100.00')	RECORDED AS
rpc	RED PLASTIC CAP
ypc	YELLOW PLASTIC CAP

I hereby certify that this land surveying document was prepared by me 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.

**ISG**

Tom W.G. Edgerton  
 License Number 14199  
 My License renewal date is 12/31/2021  
 Pages covered by this seal 1

Date: 12/04/20  
 Survey Date: 09/01/20  
 Rev. Date: 7-1

