



Date February 21, 2022

**HOLD 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.

**WHEREAS**, on February 7, 2022, by Roll Call No. 22-0171, it was duly resolved by the City Council that the proposed corrected vacation of the street right-of-way be set down for hearing on February 21, 2022, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to repeal Ordinance No. 16,038 and to correct the vacation of the street right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed vacation, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed repeal of Ordinance No. 16,038 and the vacation of the street right-of-way as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of 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, and said vacation is hereby approved:

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:

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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:

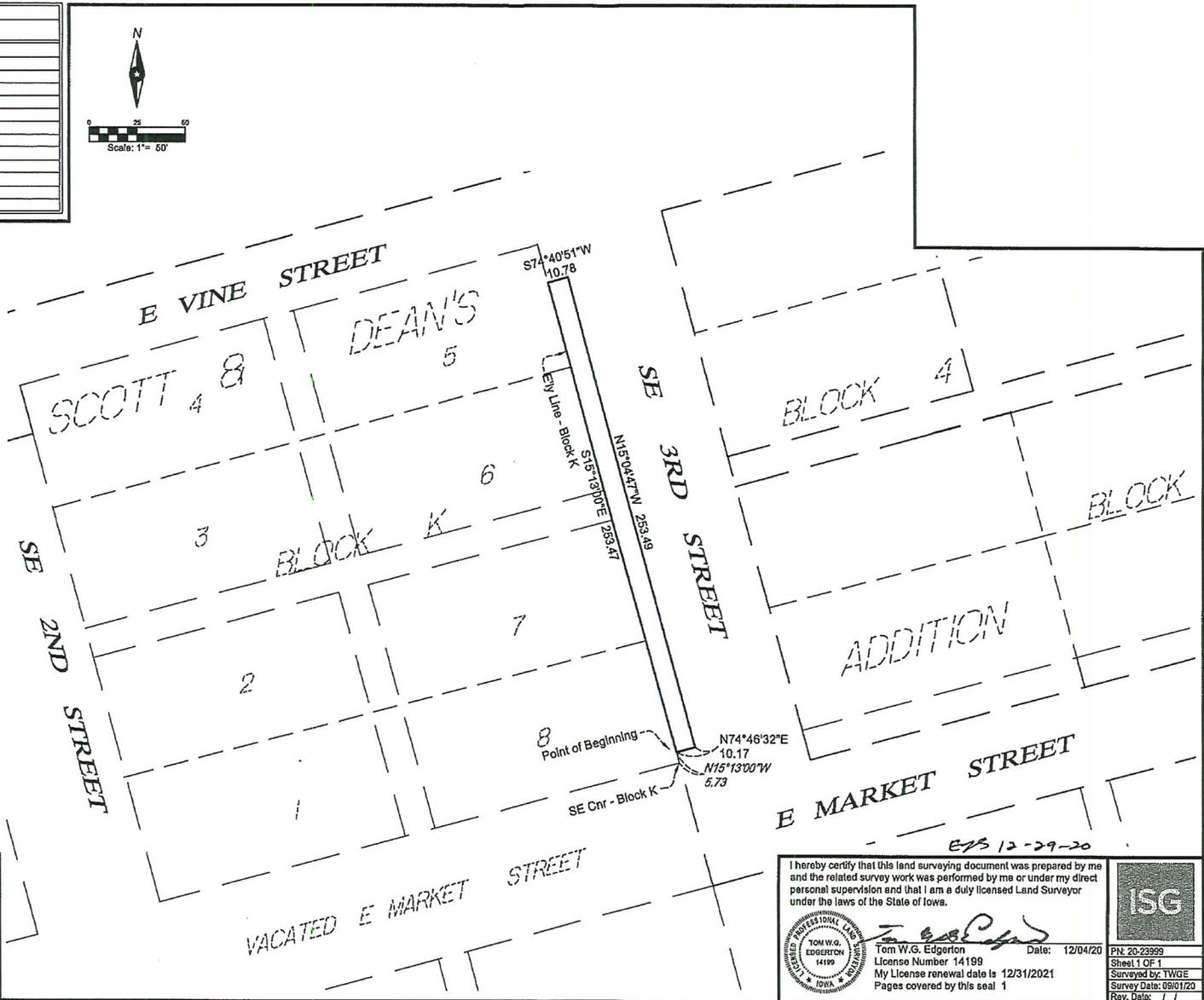
Commencing at the southeast corner of said Block K; thence North 15 degrees 13 minutes 00 seconds West, along the easterly line of said Block K, a distance of 5.73 feet to the point of beginning; thence North 74 degrees 46 minutes 32 seconds East, 10.17 feet; thence North 15 degrees 04 minutes 47 seconds 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



2025 RELEASE UNDER E.O. 14176

**LEGEND OF SYMBOLS/ABBREVIATIONS**

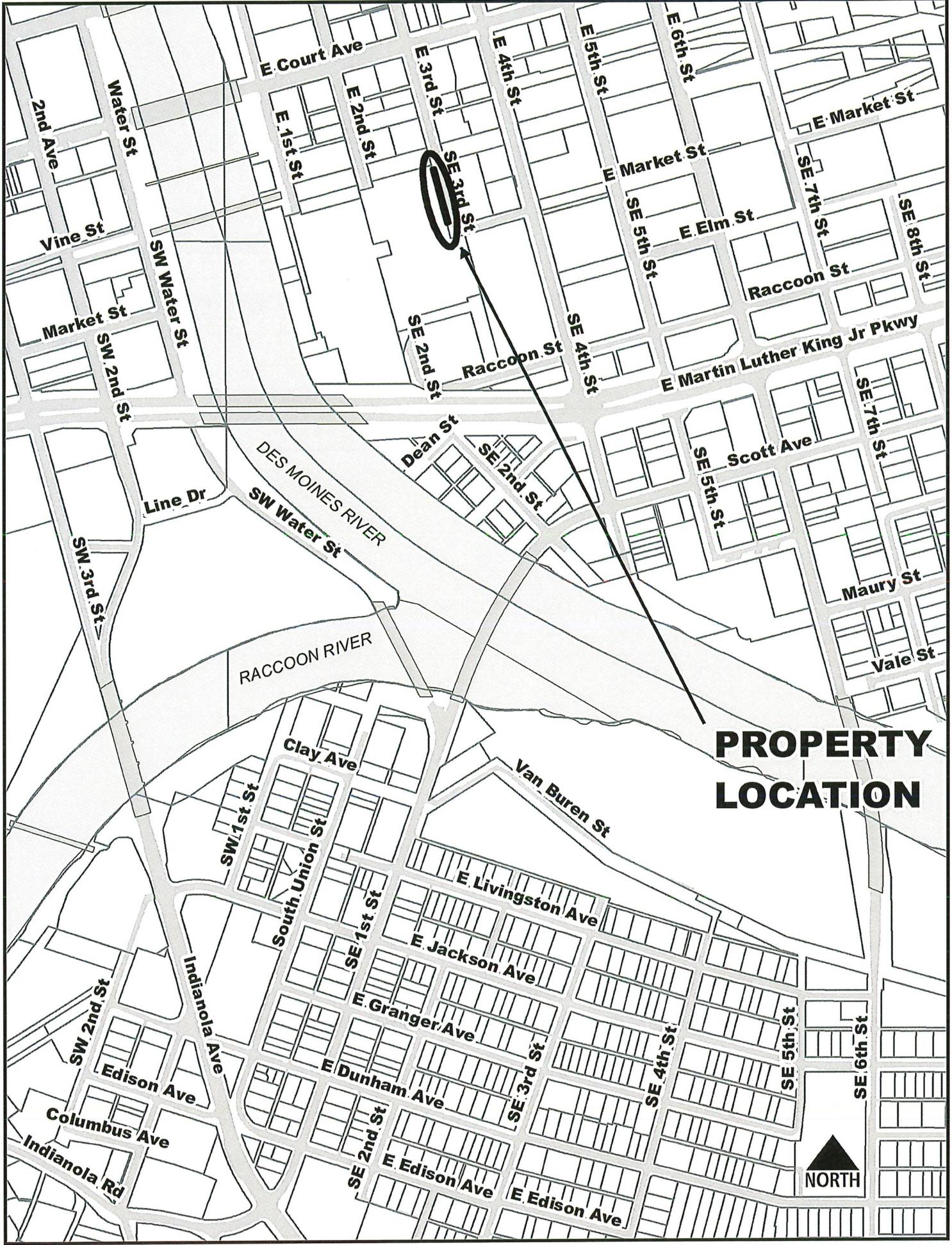
- MONUMENT FOUND (monuments as described)
- ⊙ MAG NAIL SET
- MONUMENT SET (1/2" rebar w/rpc no. 14199)
- ⊕ MAG NAIL FOUND
- ▲ SECTION CORNER FOUND (monuments as described)
- △ SECTION CORNERS SET (1/2" rebar w/rpc no. 14199)
- 100.00' MEASURED
- (100.00') RECORDED AS
- rpc RED PLASTIC CAP
- ypc YELLOW 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.


 Tom W.G. Edgerton      Date: 12/04/20  
 License Number 14199  
 My License renewal date is 12/31/2021  
 Pages covered by this seal 1

E25 12-29-20

<b>ISG</b>	
PN: 20-23999	Sheet 1 OF 1
Surveyed by: TWGE	Survey Date: 09/01/20
Rev. Date: 7/1	



**PROPERTY  
LOCATION**





**Roll Call Number**

\_\_\_\_\_

**Agenda Item Number**  
36A

**Date** February 21, 2022

An Ordinance entitled, "AN ORDINANCE repealing 16,038 and vacating 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",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage. Second by \_\_\_\_\_.

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				
SHEUMAKER				
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

36A

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. 16,038 and vacating 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.

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. 16,038 is hereby repealed.

Sec. 2. That 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, more specifically described as follows, be and is hereby vacated:

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

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:

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Lisa A. Wieland  
Assistant City Attorney