



**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 The Ordinance No. 16,038 is hereby repealed.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:

---

Lisa A. Wieland  
Assistant City Attorney