



Roll Call Number

Agenda Item Number

55A

Date March 7, 2022

An Ordinance entitled, "AN ORDINANCE repealing Ordinance No. 16,032 and 16,047 and vacating a portion of Southeast 4th Street right-of-way located south of vacated East Elm Street and north of East Martin Luther King, Jr. Parkway",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage. Seconded 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

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 Nos. 16,032 and 16,047 and vacating a portion of Southeast 4th Street right-of-way located south of vacated East Elm Street and north of East Martin Luther King, Jr. Parkway.

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 The Ordinance Nos. 16,032 and 16,047 are hereby repealed.

Sec. 2. That a portion of Southeast 4th Street right-of-way located south of vacated East Elm Street and north of East Martin Luther King, Jr. Parkway, more specifically described as follows, be and is hereby vacated:

The westerly 0.57 feet of SE 4th Street Right of Way lying between Block 6, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines and Block 31, Town of De Moine, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa excepting the northerly 4.12 feet.

AND

The westerly 0.57 feet of SE 4th Street Right of Way lying between Blocks 6 and 7, Scott and Dean's Addition, an Official Plat included in and forming a part of the City of Des Moines, Polk County, Iowa.

Area contains 194 square feet.

IARCS - Zone 8

AND

That part of SE 4th Street Right of Way lying easterly of Block 7, 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:

Beginning at the northeast corner of said Block 7; thence North 74 degrees 42 minutes 06 seconds East, 0.57 feet; thence South 15 degrees 04 minutes 35 seconds East, 70.23 feet; thence South 89 degrees 20 minutes 27 seconds West, 0.42 feet to a point on the easterly line of said Block 7; thence North 15 degrees 12 minutes 40 seconds West, along said easterly line, a distance of 70.12 feet to said Point of Beginning.

Area contains 34 square feet.

BASIS OF BEARING:

The orientation of this bearing system is based on the easterly line of Block 7. Said line bears North 15 degrees 12 minutes 40 seconds West.

IARCS - Zone 8

AND

That part of SE 4th Street Right of Way lying westerly of Block 44, Town of De Moine, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Beginning at the northwest corner of said Block 44; thence South 74 degrees 48 minutes 36 seconds West, 0.58 feet; thence South 15 degrees 03 minutes 55 seconds East, 91.87 feet; thence North 89 degrees 20 minutes 27 seconds East, 0.81 feet to a point on the westerly line of said Block 44; thence North 15 degrees 11 minutes 37 seconds West, on said westerly line, a distance of 92.07 feet to said Point of Beginning.

Area contains 63 square feet.

BASIS OF BEARING:

The orientation of this bearing system is based on the West line Block 44. Said line bears North 15 degrees 11 minutes 37 seconds West.

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