



Roll Call Number

Agenda Item Number

33 A

Date April 4, 2022

An Ordinance entitled, "AN ORDINANCE vacating portions of East 41st Street, East 41st Court, East 40th Court, Four Mile Drive, East 40th Street, Hull Avenue and Colfax Avenue right-of-way located in the Fourmile Creek Floodplain",

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				
MANDELBAUM				
SHEUMAKER				
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 portions of East 41st Street, East 41st Court, East 40th Court, Four Mile Drive, East 40th Street, Hull Avenue and Colfax Avenue right-of-way located in the Fourmile Creek Floodplain.

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 portions of east 41st Street from Mattern Avenue to East Jefferson Avenue, East 41st Court from East Jefferson Avenue to Four Mile Drive, the south approximately 70 feet of East 40th Court north of Four Mile Drive, Four Mile Drive from East Jefferson Avenue to Williams Street, East 40th Street from East Jefferson Avenue to Four Mile Drive, Hull Avenue connecting East 35th Street to East 35th Street, and the easterly half of Colfax Avenue from East Aurora Avenue to East Shawnee Avenue, more specifically described as follows, be and is hereby vacated:

Vacation Area A - E. 41st Street between Mattern Ave. and E. Jefferson Ave.
LOTS 325, 326, 479 AND 480, ELMWOOD PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 0.28 ACRES (12,270 SQUARE FEET).

Vacation Area B - E. 41st Court between E. Jefferson Ave. and Four Mile Drive
LOT "L", ELMWOOD PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 0.51 ACRES (22,302 SQUARE FEET).

Vacation Area C - South 70 feet of E. 40th Court north of Four Mile Drive
A PART OF LOT "J", ELMWOOD PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK

COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 248 IN SAID ELMWOOD PARK; THENCE NORTH ALONG THE WEST LINE OF SAID LOT "J", A DISTANCE OF 70.0 FEET; THENCE EAST AND PERPENDICULAR TO SAID WEST LINE TO THE EAST LINE OF SAID LOT "J"; THENCE SOUTH ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID LOT "J"; THENCE WEST ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.07 ACRES (2,885 SQUARE FEET).

Vacation Area D - Four Mile Drive between E. Jefferson Ave. and Williams Street

ALL THAT PART OF FOUR MILE DRIVE RIGHT OF WAY (LOT "G") LYING BETWEEN WEST RIGHT OF WAY OF WILLIAMS STREET (LOT "M") AND THE SOUTH RIGHT OF WAY LINE OF EAST JEFFERSON AVENUE (LOT "N"), ALL IN ELMWOOD PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 2.30 ACRES (100,177 SQUARE FEET).

Vacation Area E - East 40th Street between E Jefferson Ave. and Four Mile Drive

LOT "I", ELMWOOD PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 0.20 ACRES (8,735 SQUARE FEET).

Vacation Area F - Hull Ave. between southbound E. 35th Street and northbound E. 35th Street

THE SOUTH 20.0 FEET OF THE EAST 132.2 FEET OF LOT 39, MARKET GARDEN, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND A TRIANGULAR AREA IN THE NORTHWEST CORNER OF LOT 713, FOUR MILE, AN OFFICIAL PLAT, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 713; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 713, A DISTANCE OF 10.0 FEET; THENCE SOUTHWESTERLY TO A POINT ON THE WEST LINE OF SAID LOT 713, SAID POINT BEING 10.0 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 713; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 713 TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND ALL THAT PART OF LOT "P", FOUR MILE, AN OFFICIAL PLAT, LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 39, MARKET GARDENS, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.16 ACRES (5,299 SQUARE FEET).

Vacation Area G - East portion of Colfax Ave. from E. Shawnee Ave. north to City Limits):

ALL THAT PART OF LOT "D", DOUGLAS ACRES PLAT 3, AN OFFICIAL PLAT, LYING NORTH OF THE EASTERLY EXTENSION OF THE NORTH RIGHT OF WAY OF EAST SHAWNEE AVENUE, ALL NOW INCLUDED IN AND FORMING A PART

OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING
APPROXIMATELY 0.82 ACRES (35,557 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