



**Roll Call Number**

**Agenda Item Number**

36 A

**Date** August 22, 2022

An Ordinance entitled, "AN ORDINANCE repealing Ordinance No. 16,107 and vacating portions of Southeast 3<sup>rd</sup> Street and East Market Street right-of-way, and portions of street and alley right-of-way, all located north of East Martin Luther King, Jr. Parkway and west of Southeast 6<sup>th</sup> Avenue",

presented.

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

FORM APPROVED:

(First of three required readings)

Mackenzie L. Moreno  
Assistant City Attorney

**CERTIFICATE**

I, LAURA BAUMGARTNER, 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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

36A

Prepared by: Mackenzie L. Moreno, 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. 16,107 and vacating portions of Southeast 3<sup>rd</sup> Street and East Market Street right-of-way, and portions of street and alley right-of-way, all located north of East Martin Luther King, Jr. Parkway and west of Southeast 6<sup>th</sup> Avenue.

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 The Ordinance No. 16,107 is hereby repealed.

Sec. 2. That a portion of street and alley right-of-way within the Market District generally bounded by East Vine Street on the north, East Martin Luther King, Jr, Parkway on the south, Southeast 5<sup>th</sup> Street on the east, and Southeast 3<sup>rd</sup> Street on the west, more specifically described as follows, be and is hereby vacated:

A PART OF SOUTHEAST 3<sup>RD</sup> STREET RIGHT OF WAY LYING BETWEEN BLOCK 7 AND BLOCK N IN SCOTT & DEAN'S ADDITION, 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 NORTHWEST CORNER OF SAID BLOCK 7; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID BLOCK 7 TO THE NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY TO THE EASTERLY LINE OF SAID BLOCK N; THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE OF SAID BLOCK N TO THE NORTHEAST CORNER OF SAID BLOCK N; THENCE EAST ALONG A STRAIGHT LINE, SAID STRAIGHT LINE BEING

ALSO THE SOUTH RIGHT OF WAY LINE OF VACATED RACCOON STREET, TO THE NORTHWEST CORNER OF SAID BLOCK 7 AND TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.06 ACRES (2,703 SQUARE FEET).

**AND**

All that part of the alley Right of Way located in 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:

Alley Right of Way lying between the southerly line of the vacated Raccoon Street Right of Way and the northerly line of the East Martin Luther King Jr Parkway Right of Way and between Lots 5 and 6, said Block 7. Area contains 1,130 square feet.

**AND**

That part of SE 4th Street Right of Way lying westerly of Block 17, 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:

Commencing at the northwest corner of said Block 17; thence South 15 degrees 03 minutes 44 seconds East, along the westerly line of said Block 17, a distance of 110.56 feet to the point of beginning; thence South 74 degrees 50 minutes 39 seconds West, 0.57 feet; thence South 15 degrees 03 minutes 55 seconds East, 165.12 feet; thence North 74 degrees 46 minutes 32 seconds East, 0.56 feet to a point on said westerly line; thence North 15 degrees 03 minutes 44 seconds West, along said westerly line, a distance of 165.12 feet to the Point of Beginning.

Area contains 93 square feet.

**BASIS OF BEARING:** The orientation of this bearing system is based on the westerly line of Block 17. Said line bears North 15 degrees 03 minutes 44 seconds West.

IARCS - Zone 8

**AND**

That part of SE 4th Street Right of Way lying easterly of Block 5, 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 northeast corner of said Block 5; thence South 15 degrees 03 minutes 42 seconds East, along the easterly line of said Block 5, a distance of 2.03 feet to the Point of Beginning; thence North 74 degrees 46 minutes 32 seconds East, 0.54 feet; thence South 15 degrees 03 minutes 55 seconds East, 271.52 feet; thence South 74 degrees 44 minutes 00 seconds West, 0.56 feet to a point on said easterly line; thence North 15 degrees 03 minutes 42 seconds West, along said easterly line, a distance of 271.52 feet to said Point of Beginning.

Area contains 148 square feet.

**BASIS OF BEARING:** The orientation of this bearing system is based on the easterly line of Block 5. Said line bears North 15 degrees 03 minutes 42 seconds West.  
IARCS - Zone 8

**AND**

That part of SE 5th Street right of way lying easterly of Lots 9 and 10, 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 northeast corner of said Block 44; thence North 74 degrees 48 minutes 41 seconds East, 6.15 feet; thence South 15 degrees 00 minutes 20 seconds East, 111.88 feet; thence South 74 degrees 49 minutes 48 seconds West, 6.27 feet to a point on the easterly line of said Block 44; thence North 14 degrees 56 minutes 39 seconds West, along said easterly line, a distance of 111.88 feet to said Point of Beginning.

Area contains 695 square feet.

**BASIS OF BEARING:** The orientation of this bearing system is based on the East line Block 44. Said line bears North 14 degrees 56 minutes 39 seconds West.  
IARCS - Zone 8

**AND**

That part of SE 4th Street Right of Way lying westerly of 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 is described as follows:

Beginning at the southwest corner of said Block 31; thence South 74 degrees 47 minutes 47 seconds West, 0.74 feet; thence North 15 degrees 03 minutes 55 seconds West, 274.48 feet; thence North 74 degrees 44 minutes 00 seconds East, 1.24 feet to a point on the westerly line of said Block 31; thence South 14 degrees 57 minutes 38 seconds East along said westerly line, a distance of 274.48 feet to said Point of Beginning.

Area contains 271 square feet.

**AND**

That part of SE 5th Street Right of Way lying easterly of Block 31, Town of De Moine, an Official Plat included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Beginning at the southeast corner of said Block 31; thence North 75 degrees 51 minutes 49 seconds East, 6.08 feet; thence North 14 degrees 57 minutes 22 seconds West, 274.95 feet; thence South 74 degrees 44 minutes 00 seconds West, 6.02 feet to a point on the easterly line of said Block 31; thence South 14 degrees 56 minutes 39 seconds East, along said easterly line, a distance of 274.83 feet to the Point of Beginning.

Area contains 1,664 square feet.

**BASIS OF BEARING:** The orientation of this bearing system is based on the East line Block 31. Said line bears South 14 degrees 56 minutes 39 seconds East.  
IARCS - ZONE 8

**AND**

That part of SE 4th Street Right of Way lying westerly of Block 30, 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:

Commencing at the southwest corner of said Block 30; thence North 15 degrees 14 minutes 56 seconds West, 5.34 feet to the Point of Beginning; thence South 74 degrees 44 minutes 00 seconds West, 1.33 feet; thence North 15 degrees 03 minutes 55 seconds West, 271.46 feet; thence North 74 degrees 46 minutes 32 seconds East, 0.46 feet to a point on the westerly line of said Block 30; thence South 15 degrees 14 minutes 56 seconds East along said westerly line, a distance of 271.45 feet to said Point of Beginning.

Area contains 244 square feet.

**AND**

That part of SE 5th Street Right of Way lying easterly of Block 30, 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:

Commencing at the southeast corner of said Block 30; thence North 14 degrees 58 minutes 36 seconds West, 5.14 feet to the Point of Beginning; thence North 74 degrees 44 minutes 00 seconds East, 11.90 feet; thence North 14 degrees 57 minutes 22 seconds West, 271.21 feet; thence North 15 degrees 58 minutes 03 seconds West, 75.01 feet; thence South 74 degrees 46 minutes 32 seconds West, 10.96 feet; thence South 14 degrees 59 minutes 11 seconds East, 6.08 feet; thence South 15 degrees 11 minutes 10 seconds East, 70.50 feet to the northeast corner of said Block 30; thence South 14 degrees 58 minutes 36 seconds East, along the easterly line of said Block 30, a distance of 269.64 feet to said Point of Beginning.

Area contains 4,103 square feet.

**BASIS OF BEARING:** The orientation of this bearing system is based on the East line of Block 30. Said line bears South 14 degrees 58 minutes 36 seconds East.  
IARCS - Zone 8

**AND**

That part of SE 5th Street Right of Way lying easterly of Block 17, 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:

Commencing at the northeast corner of said Block 17; thence South 14 degrees 59 minutes 11 seconds East, along the easterly line of said Block 17, a distance of 20.58 feet to the Point of Beginning; thence North 74 degrees 40 minutes 51 seconds East, 11.00 feet; thence South 14 degrees 58 minutes 44 seconds East, 254.73 feet; thence

South 74 degrees 46 minutes 32 seconds West, 10.96 feet to a point on the westerly right of way line of SE 5th Street; thence North 14 degrees 59 minutes 11 seconds West, along said westerly right of way line, a distance of 254.71 feet to said Point of Beginning.

Area contains 2,796 square feet.

**AND**

That part of SE 5th Street Right of Way lying westerly of N 1/2 Market Square 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:

Commencing at the northwest corner of said N 1/2 Market Square; thence South 14 degrees 59 minutes 12 seconds East, along the westerly line of said N 1/2 Market Square, a distance of 21.00 feet to the Point of Beginning; thence South 74 degrees 40 minutes 51 seconds West, 13.00 feet; thence South 14 degrees 58 minutes 44 seconds East, 254.83 feet; thence North 74 degrees 46 minutes 32 seconds East, 13.03 feet to a point on the southerly extension of said westerly line; thence North 14 degrees 59 minutes 12 seconds West, along said southerly extension and along said westerly line, a distance of 254.85 feet to said Point of Beginning.

Area contains 3,317 square feet.

**BASIS OF BEARING:** The orientation of this bearing system is based on the easterly line of Block 17. Said line bears North 14 degrees 59 minutes 11 seconds West.

IARCS - Zone 8

**AND**

That part of SE 4th Street Right of Way lying between Blocks 31 and 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 North 15 degrees 03 minutes 55 seconds West, 66.06 feet; thence North 74 degrees 47 minutes 47 seconds East, 0.74 feet to the southwest corner of said Block 31; thence South 14 degrees 55 minutes 59 seconds East, along the southerly extension of the easterly right of way line of SE 4th Street, a distance of 66.06 feet to the Point of Beginning.

Area contains 43 square feet.

**AND**

That part of SE 5th Street Right of Way lying between Blocks 31 and 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 northeast corner of said Block 44; thence North 74 degrees 48 minutes 41 seconds East, 6.15 feet; thence North 15 degrees 00 minutes 20 seconds West, 66.02 feet; thence South 75 degrees 51 minutes 49 seconds West, 6.08 feet to the southeast corner of said Block 31; thence South 14 degrees 56 minutes 39 seconds

East, along the southerly extension of the westerly right of way line of SE 5th Street, a distance of 66.14 feet to the Point of Beginning.

Area contains 404 square feet.

**BASIS OF BEARING:** The orientation of this bearing system is based on the West line Block 44. Said line bears South 15 degrees 03 minutes 55 seconds East.

IARCS - Zone 8

**AND**

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 03 minutes 55 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 13 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 13 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

**AND**

All that part of E Market Street Right of Way lying between Blocks 4 and 5, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Except the North 16.00 feet of E Market Street Right of Way.

Area contains 14,010 square feet.

**AND**

That part of SE 3rd Street Right of Way lying between Blocks K and 4, Scott & 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 Block L, said Scott & Dean's Addition; thence North 15 degrees 13 minutes 00 seconds West, a distance of 71.73 feet; thence North 74 degrees 46 minutes 32 seconds East, 66.18 feet to a point on the westerly line of said Block 4; thence South 15 degrees 02 minutes 52 seconds East, 71.91 feet to the northwest corner of Block 5, said Scott & Dean's Addition; thence South 74 degrees 55 minutes 36 seconds West, 65.97 feet to the Point of Beginning.

Area contains 4,745 square feet.

**BASIS OF BEARING:** The orientation of this bearing system is based on the East line of Block K. Said line bears North 15 degrees 13 minutes 00 seconds West.

IARCS - Zone 8

Sec. 3. The City Manager, or his designee, is hereby authorized and directed to cause notice of any relocation of telegraph or telephone line or cable system from the vacated right of way to be served upon the owner of such telegraph or telephone line or cable system as the City Manager or his designee deems appropriate.

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:

A handwritten signature in black ink, appearing to read 'Mackenzie L. Moreno', written over a horizontal line.

Mackenzie L. Moreno  
Assistant City Attorney