



Roll Call Number

Agenda Item Number

49 A

Date November 21, 2022

An Ordinance entitled, "AN ORDINANCE vacating portions of 7th Street, Walnut Street and Mulberry Street right-of-way adjoining 207 7th Street, Des Moines, Iowa",

presented.

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

FORM APPROVED:

(First of three required readings)

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno
Assistant City Attorney

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

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.

_____ Mayor

_____ City Clerk

49A

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 vacating portions of 7th Street, Walnut Street and Mulberry Street right-of-way adjoining 207 7th Street, Des Moines, Iowa.

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 7th Street, Walnut Street and Mulberry Street right-of-way adjoining 207 7th Street, Des Moines, Iowa, more specifically described as follows, be and is hereby vacated:

SUBSURFACE AREA:

THE EAST 14.5 FEET OF THE 7TH STREET RIGHT-OF-WAY LYING WEST OF BLOCK 11 OF FORT DES MOINES, AN OFFICIAL PLAT, AND -EXCEPT THE EAST 66 FEET THEREOF-, THE SOUTH 14 FEET OF THE WALNUT STREET RIGHT OF WAY LYING NORTH OF AND ADJOINING SAID BLOCK 11, AND THE SOUTH 14 FEET OF THE WALNUT STREET RIGHT OF WAY LYING NORTH OF AND ADJOINING THAT PORTION OF THE EAST 14.5 FEET OF 7TH STREET RIGHT OF WAY WHICH IS LYING WEST OF AND ADJOINING SAID BLOCK 11, ALL PORTIONS OF RIGHT OF WAYS ARE IN SAID FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.17 ACRES (7,388 SQUARE FEET).

SURFACE AREA:

THE NORTH 0.25 FEET OF THE MULBERRY STREET RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOT 4, BLOCK 11, TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, AND THE NORTH 0.25 FEET OF THE

MULBERRY STREET RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING THAT PORTION OF THE EAST 0.25 FEET OF 7TH STREET RIGHT-OF-WAY WHICH IS LYING WEST OF AND ADJOINING SAID BLOCK 11, AND THE EAST 0.25 FEET OF THE 7TH STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING SAID BLOCK 11, ALL PORTIONS OF RIGHT OF WAYS ARE IN SAID FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 104 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:



Mackenzie L. Moreno
Assistant City Attorney

EXHIBIT A

Walnut St

66 FT

EAST LINE OF BLOCK 11

NORTH LINE OF BLOCK-11 AND SOUTH ROW LINE OF WALNUT ST

NORTH LINE OF BLOCK 11

SUBSURFACE VACATION AREA

0.25 FT

WEST LINE OF BLOCK 11 AND EAST ROW LINE OF 7TH ST

BLOCK 11

FORT DES MOINES

SURFACE VACATION AREA

7th St

EAST LINE OF LOT 4

PT LOT 4

14.5 FT

PT LOT 4

0.25 FT

Mulberry St

NORTH

SOUTH LINE OF BLOCK 11 AND NORTH ROW LINE OF MULBERRY ST

SOUTH LINE OF LOT 4

Legend

-  SURFACE VACATION AREA
-  SUBSURFACE VACATION AREA