



Roll Call Number

Agenda Item Number

52 A

Date December 12, 2022

An Ordinance entitled, "AN ORDINANCE vacating a portion of East Walnut Street and East 4th Street right-of-way adjoining 321 East Walnut Street",

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

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

52A

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 a portion of East Walnut Street and East 4th Street right-of-way adjoining 321 East Walnut 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. That a portion of East Walnut Street and East 4th Street right-of-way adjoining 321 East Walnut Street, more specifically described as follows, be and is hereby vacated:

A VACATION AREA IN THE EXISTING PUBLIC RIGHT-OF-WAY OF E WALNUT AVENUE & E 4TH STREET AS THEY ARE PRESENTLY ESTABLISHED LYING DIRECTLY ADJACENT TO BLOCK 2 OF SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT RECORDED IN BOOK 'A', PAGE 103 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SE CORNER OF THE N1/2 OF LOT 11 OF SAID BLOCK 2 OF SCOTT & DEAN'S ADDITION; THENCE N14°54'03"W, 198.91 FEET ALONG THE EAST LINE OF SAID BLOCK 2, SAID EAST LINE ALSO BEING THE WEST RIGHT-OF-WAY LINE OF SAID E 4TH STREET, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID E WALNUT AVENUE, SAID POINT BEING THE POINT OF BEGINNING; THENCE S79°32'38"W, 38.00 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT; THENCE N10°27'22"W, 6.00 FEET TO A POINT; THENCE N79°32'38"E, 43.55 FEET ALONG A LINE THAT IS PARALLEL TO SAID SOUTH RIGHT-OF-WAY LINE TO A POINT; THENCE S14°54'03"E, 23.55 FEET ALONG A LINE THAT IS PARALLEL TO AND 6.00

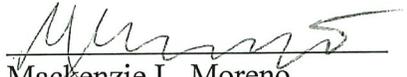
FEET EASTERLY OF SAID WEST RIGHT-OF-WAY LINE OF E 4TH STREET TO A POINT; THENCE S75°05'57"W, 6.00 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 2 AND SAID WEST RIGHT-OF-WAY LINE OF E 4TH STREET; THENCE N14°54'03"W, 18.00 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING AND CONTAINING 369 SQUARE FEET MORE OR LESS.

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

PREPARED FOR:
 NORTHWESTERN HOSPITALITY LLC
 321 EAST WALNUT STREET, SUITE 321
 DES MOINES, IOWA 50309
 JEFF LINK: 515-778-0863

VACATION EXHIBIT
321 EAST WALNUT STREET
 CITY OF DES MOINES
 IOWA 50309

PROPERTY OWNER:
 CITY OF DES MOINES
 400 ROBERT D RAY DR
 DES MOINES, IA 50309-1813

LEGAL DESCRIPTION - BENEFITED PROPERTY

(WARRANTY DEED BOOK 12645, PAGE 250)
 THE NORTH 1/2 OF LOT 11 AND ALL OF LOTS 12,13, AND 14 (EXCEPT STREET) AND THE EAST/WEST ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOT 13 IN BLOCK 2 IN SCOTT DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

SUBJECT TO EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

LEGAL DESCRIPTION - VACATION AREA

A VACATION AREA IN THE EXISTING PUBLIC RIGHT-OF-WAY OF E WALNUT AVENUE & E 4TH STREET AS THEY ARE PRESENTLY ESTABLISHED LYING DIRECTLY ADJACENT TO BLOCK 2 OF SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT RECORDED IN BOOK 'A', PAGE 103 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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LEGEND

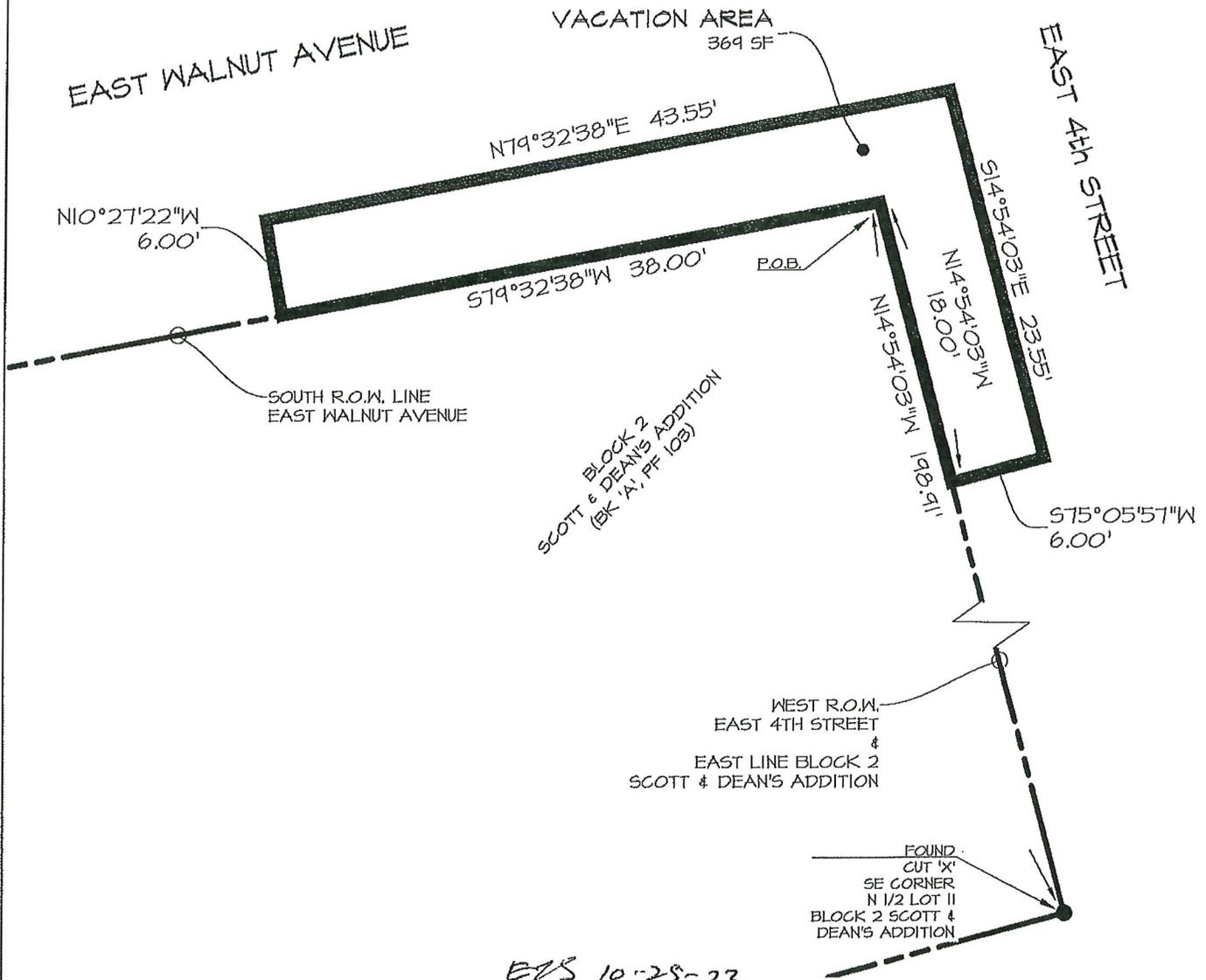
- VACATION LINES
- OWNER PROPERTY LINES
- LOT LINES
- EXISTING EASEMENT LINES
- — — UGE — — — UNDERGROUND ELECTRIC LINES
- — — UGT — — — UNDERGROUND TELECOMMUNICATION LINES
- FOUND PROPERTY CORNER
- I.R. IRON ROD
- I.P. IRON PIPE
- P.O.B. POINT OF BEGINNING
- M. MEASURED DISTANCE
- P. PREVIOUSLY RECORDED DISTANCE

ECS 10-25-22

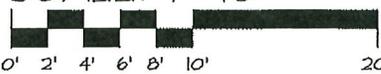
<p>Civil Engineering Consultants, Inc.</p> <p>2400 86th Street . Unit 12 . Des Moines, Iowa 50322 515.276.4884 . Fax: 515.276.7084 . mail@ceclac.com</p>	<p>SCALE: 1"=10'</p>	<p>SHEET</p> <p style="font-size: 2em;">1</p>
	<p> NORTH</p> <p>DATE CREATED: OCT. 25, 2022 REVISIONS:</p>	<p>OF</p> <p style="font-size: 2em;">2</p> <p>DWG BY MDM</p>

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VACATION EXHIBIT
 321 EAST WALNUT STREET
 CITY OF DES MOINES
 IOWA 50309



EPS 10-25-22

 CEC Civil Engineering Consultants, Inc. 2400 86th Street, Unit 12, Des Moines, Iowa 50322 515.276.4884 . Fax: 515.276.7084, mail@ceclac.com	SCALE: 1" = 10' 	
	 NORTH	SHEET 2 OF 2 DWG BY MOM
DATE CREATED: OCT. 25, 2022 REVISIONS:		

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