



Roll Call Number

Agenda Item Number

45 A

Date October 7, 2024

An Ordinance entitled, "AN ORDINANCE vacating air, subsurface, and surface rights in portions of Des Moines Street and East 6th Street right-of-way adjoining 603 East 6th Street",

presented.

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

FORM APPROVED:

(First of three required readings)

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

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| BOESEN | | | | |
| SIMONSON | | | | |
| VOSS | | | | |
| COLEMAN | | | | |
| WESTERGAARD | | | | |
| MANDELBAUM | | | | |
| GATTO | | | | |
| 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

APPROXIMATE GROUND ELEVATION IS 54-55 FEET WITH THE BOTTOM OF BALCONY ELEVATION BEING APPROXIMATELY 74 FEET AND THE TOP OF BALCONY ELEVATION BEING APPROXIMATELY 144 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

AERIAL EXHIBIT 'B'

A PART OF THE DES MOINES STREET RIGHT-OF-WAY ADJOINING THE SOUTH HALF OF THE WEST 333.50 FEET OF BLOCK A, RIVER HILLS PLAT THREE, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTH HALF OF THE WEST 333.50 FEET; THENCE SOUTH 74°43'00" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF DES MOINES STREET, 26.43 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°17'00" EAST, 3.00 FEET; THENCE SOUTH 74°43'00" WEST, 23.00 FEET; THENCE NORTH 15°17'00" WEST, 3.00 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH 74°43'00" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 23.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 69 SQUARE FEET.

APPROXIMATE GROUND ELEVATION IS 61-62 FEET WITH THE BOTTOM OF BALCONY ELEVATION BEING APPROXIMATELY 74 FEET AND THE TOP OF BALCONY ELEVATION BEING APPROXIMATELY 144 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

AERIAL EXHIBIT 'C'

A PART OF THE DES MOINES STREET RIGHT-OF-WAY ADJOINING THE SOUTH HALF OF THE WEST 333.50 FEET OF BLOCK A, RIVER HILLS PLAT THREE, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTH HALF OF THE WEST 333.50 FEET; THENCE SOUTH 74°43'00" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF DES MOINES STREET, 81.66 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°17'00" EAST, 2.00 FEET; THENCE SOUTH 74°43'00" WEST, 20.91 FEET; THENCE NORTH 15°17'00" WEST, 2.00 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH 74°43'00" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 20.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 42 SQUARE FEET.

APPROXIMATE GROUND ELEVATION IS 60-61 FEET WITH THE BOTTOM OF BALCONY ELEVATION BEING APPROXIMATELY 74 FEET AND THE TOP OF BALCONY ELEVATION BEING APPROXIMATELY 144 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

AERIAL EXHIBIT 'D'

A PART OF THE E 6TH STREET RIGHT-OF-WAY ADJOINING THE SOUTH HALF OF THE WEST 333.50 FEET OF BLOCK A, RIVER HILLS PLAT THREE, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTH HALF OF THE WEST 333.50 FEET; THENCE SOUTH 14°56'16" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF E 6TH STREET, 25.86 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 14°56'16" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 98.93 FEET; THENCE SOUTH 75°03'44" WEST, 1.00 FEET; THENCE NORTH 14°56'16" WEST, 98.93 FEET; THENCE NORTH 75°03'44" EAST, 1.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 99 SQUARE FEET.

APPROXIMATE GROUND ELEVATION IS 56-59 FEET WITH THE BOTTOM OF BALCONY ELEVATION BEING APPROXIMATELY 74 FEET AND THE TOP OF BALCONY ELEVATION BEING APPROXIMATELY 144 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

SUBSURFACE RIGHTS

SUBSURFACE EXHIBIT 'A'

A PART OF THE DES MOINES STREET RIGHT-OF-WAY AND A PART OF THE E 6TH STREET RIGHT-OF-WAY, BOTH ADJOINING THE SOUTH HALF OF THE WEST 333.50 FEET OF BLOCK A, RIVER HILLS PLAT THREE, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTH HALF OF THE WEST 333.50 FEET; THENCE SOUTH 74°43'00" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF DES MOINES STREET, 21.35 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°28'55" EAST, 7.00 FEET; THENCE SOUTH 74°43'00" WEST, 315.00 FEET; THENCE NORTH 14°56'16" WEST, 146.00 FEET; THENCE NORTH 75°03'44" EAST, 3.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF E 6TH STREET; THENCE SOUTH 14°56'16" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 138.98 FEET; THENCE NORTH 74°43'00" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE OF DES MOINES STREET, 311.93 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,622 SQUARE FEET).

SURFACE RIGHTS

SURFACE EXHIBIT 'A'

A PART OF THE DES MOINES STREET RIGHT-OF-WAY ADJOINING THE SOUTH HALF OF THE WEST 333.50 FEET OF BLOCK A, RIVER HILLS PLAT THREE, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTH HALF OF THE WEST 333.50 FEET; THENCE NORTH 74°43'00" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF DES MOINES STREET, 0.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°43'00" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 5.00 FEET; THENCE SOUTH 15°17'00" EAST, 3.00 FEET; THENCE SOUTH 74°43'00" WEST, 5.00 FEET; THENCE NORTH 15°17'00" WEST, 3.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 15 SQUARE FEET.

SURFACE EXHIBIT 'B'

A PART OF THE DES MOINES STREET RIGHT-OF-WAY ADJOINING THE SOUTH HALF OF THE WEST 333.50 FEET OF BLOCK A, RIVER HILLS PLAT THREE, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTH HALF OF THE WEST 333.50 FEET; THENCE SOUTH 74°43'00" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF DES MOINES STREET, 27.87 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°17'00" EAST, 3.00 FEET; THENCE SOUTH 74°43'00" WEST, 5.00 FEET; THENCE NORTH 15°17'00" WEST, 3.00 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH 74°43'00" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 15 SQUARE FEET.

SURFACE EXHIBIT 'C'

A PART OF THE DES MOINES STREET RIGHT-OF-WAY ADJOINING THE SOUTH HALF OF THE WEST 333.50 FEET OF BLOCK A, RIVER HILLS PLAT THREE, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTH HALF OF THE WEST 333.50 FEET; THENCE SOUTH 74°43'00" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF DES MOINES STREET, 112.65 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°17'00" EAST, 3.50 FEET; THENCE SOUTH 74°43'00" WEST, 126.90 FEET; THENCE NORTH 15°17'00" WEST, 3.50 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH 74°43'00" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 126.90 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (444 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:

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

Mackenzie L. Moreno
Assistant City Attorney