

ORDINANCE NO. 13,700

AN ORDINANCE vacating the northwesterly/southeasterly alley right-of-way and the air rights over a portion of Hubbell Avenue in the vicinity of Hubbell Avenue and E. 22nd 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:

Section 1. That the northwesterly/southeasterly alley right-of-way and the air rights over Hubbell Avenue in the vicinity of E. 22nd and Hubbell Avenue, more specifically described as follows, be and are hereby vacated:

Air rights over Hubbell Avenue to be vacated:

All those air rights above elevation 49.0 City of Des Moines Datum, and below elevation 80.0 City of Des Moines Datum over the following described portion of the Avenue Frederick M. Hubbell right-of-way:

Commencing at the Southwest corner of Lot 43, Hubbell Avenue Addition, an Official Plat, Des Moines, Polk County, Iowa; thence easterly along the South line of said Lot 43 and 44 in said Hubbell Avenue Addition and along the northerly right-of-way line of Avenue Frederick M. Hubbell a distance of 80.0 feet to the POINT OF BEGINNING; thence southeasterly a distance of 70.0 feet to a point 20.0 feet westerly of the Northeast corner of Lot 146 in said Hubbell Avenue Addition, said point also being on the southerly Right-of-way line of said Avenue Frederick M. Hubbell; thence northeasterly along the northerly lines of lots 146 and 145 in said Hubbell Avenue Addition and along the said southerly right-of-way line a distance of 30.0 feet to a point 10.0 feet easterly of the northwest corner of said Lot 145; thence northwesterly a distance of 70.0 feet to a point on the northerly

right-of-way line of the said Avenue Frederick M. Hubbell and on the southerly line of Lot 45 in said Hubbell Avenue Addition, said point being 10.0 feet easterly of the Southwest corner of said Lot 45; thence southwesterly along the South line of said Lots 45 and 44 in said Hubbell Avenue Addition and along the northerly right-of-way line of said Avenue Frederick M. Hubbell a distance of 30.0 feet to the POINT OF BEGINNING.

Alley right-of-way to be vacated:

All that part of a 20.0 and 30.0 foot wide northwesterly/southeasterly alley right-of-way lying westerly of and adjoining Lots 46 and 53, and lying westerly of and adjoining the vacated 16.0 foot wide alley right-of-way lying northerly of and adjoining Lot 46; all lying South of the North line of Lot 53 extended westerly and lying northwesterly of the South line of Lot 46 extended southwesterly, all within HUBBELL AVENUE ADDITION, an official Plat, all now included in and forming a part of the City of Des Moines, Iowa.

Sec. 2. That this vacation is made with reservations of right-of-way easements for any public 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:

Roger K. Brown, Assistant City Attorney