

ORDINANCE NO. 13,803

AN ORDINANCE vacating: portions of the 11th Street right-of-way between Locust and Mulberry Streets; the public alleys in the six blocks bounded by Locust, Mulberry, 10th and 13th Streets; the subterranean space under and the air rights over the Walnut Street right-of-way from the alley between 10th and 11th Streets extending west to 13th Street; and the subterranean space under and the air rights over the 12th Street right-of-way between Locust and Mulberry Streets.

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; and,

WHEREAS, the public rights-of-way described above are within the Metro Center Urban Renewal Project, and by the authority granted by the Iowa Urban Renewal Law, Iowa Code Chapter 403, the City Council may direct the removal of all franchised utilities from such rights-of-way to facility an urban renewal project; NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the following described portions of: the 11th Street right-of-way between Locust and Mulberry Streets; the public alleys in the six blocks bounded by Locust, Mulberry, 10th and 13th Streets; the subterranean space under and the air rights over the Walnut Street right-of-way from the alley between 10th and 11th Streets extending west to 13th Street; and the subterranean space under and the air rights over the 12th Street right-of-way between Locust and Mulberry Streets, be and are hereby vacated:

Parcel "A":To be vacated effective December 1, 2000.

The portion of 11th Street and all the alley rights-of-way within the following described parcel:

BLOCK 25, CAMPBELL & MC MULLEN'S ADDITION, AND INTERIOR ALLEYS; 11th STREET FROM THE SOUTH RIGHT OF WAY LINE OF LOCUST STREET TO THE NORTH RIGHT OF WAY LINE OF WALNUT STREET; AND, BLOCK 4, WEST FORT DES MOINES, AND INTERIOR ALLEYS, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING 178,480 SQUARE FEET MORE OR LESS.

Parcel "B":To be vacated effective February 1, 2001.

The portion of 11th Street and all the alley rights-of-way within the following described parcel:

BLOCK 24, KEENE & POINDEXTER'S ADDITION, AND INTERIOR VACATED ALLEYS; VACATED 11th STREET FROM THE SOUTH RIGHT OF WAY LINE OF WALNUT STREET TO THE NORTH RIGHT OF WAY LINE OF MULBERRY STREET; LOT 1, ELEVENTH STREET PLACE; LOT 9 (EXCEPT THE EAST 19.22 FEET) OF THE OFFICIAL PLAT OF WEST FORT DES MOINES (ORIGINAL TOWN), SUB OF LOT 5 & 6, BLOCK 3 & LOT 5 & 6, BLOCK 20, H.M. HOXIE'S ADDITION; LOTS 7 AND 8 (EXCEPT THE EAST 19.22 FEET OF SAID LOTS 7 AND 8), BLOCK 20 OF H.M. HOXIE'S ADDITION; AND INTERIOR EAST/WEST VACATED ALLEY LYING NORTH OF AND ADJOINING S ALL BUT THE EAST 19.22 FEET OF SAID LOT 7 OF BLOCK 20 OF H.M. HOXIE'S ADDITION, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING 131,070 SQUARE FEET MORE OR LESS.

AND, the air rights above City Datum 56.80 Feet and the subterranean rights below the surface of all the Walnut Street right-of-way lying West of the West right-of-way line extended North of the vacated North/South alley right-of-way in Block 20, H.M. Hoxie' Addition, an Official Plat, and East of the East right-of-way line of 11th Street; and, the air rights above City Datum 58.40 Feet and the subterranean rights below the surface of all the Walnut Street right-of-way lying West of the East right-of-way of 11th Street and East of the East right-of-way line of 12th Street, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Parcel "C":To be vacated effective July 1, 2001.

All the alley rights-of-way within the following described parcel:

LOTS 1, 2, 3, 4, 5, AND THE EAST 30.91 FEET OF 6, ALLEN'S ADDITION; BLOCK 28, CAMPBELL & MCMULLEN'S ADDITION; BLOCK 28, KEENE & POINDEXTER'S ADDITION; AND INTERIOR ALLEYS, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING 79,360 SQUARE FEET MORE OR LESS.

AND, the air rights above City Datum 59.40 Feet and the subterranean rights below the surface of all the 12th Street right-of-way lying South of the South right-of-way line of Locust Street, and North of the North right-of-way line of Walnut Street, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Parcel "D":To be effective upon the filing of an affidavit by a City Attorney for the City of Des Moines certifying that the City of Des Moines has acquired title to the adjoining property.

All the alley rights-of-way within the following described parcel:

BLOCK 29, KEENE & POINDEXTER'S ADDITION, AND INTERIOR ALLEYS, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING 79,860 SQUARE FEET MORE OR LESS.

AND, the air rights above City Datum 59.48 Feet and the subterranean rights below the surface of all the Walnut Street right-of-way lying West of the East right-of-way of 12th Street, and East of the East right-of-way line of 13th Street, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

AND, the air rights above City Datum 57.90 Feet and the subterranean rights below the surface of all the 12th Street right-of-way lying South of the South right-of-way of Walnut Street; and North of the North right-of-way line of Mulberry Street; all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 2. The vacation shall be effective upon the dates identified above for each portion of the rights-of-way herein described.

Sec. 3. All franchised utilities with facilities now in place upon the rights-of-way described above are hereby directed and ordered to cause such facilities to be removed from such rights-of-way by the effective dates of the vacation identified above.

Sec. 4. 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:

Roger K. Brown

Assistant City Attorney

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Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 00-865), passed by the City Council of said City at a meeting held March 27, 2000, signed by the Mayor on March 27, 2000, and published as provided by law in the Business Record on April 10, 2000. Authorized by Publication Order No. 2405.

Donna Boetel-Baker, CMC/AAE, City Clerk