

ORDINANCE NO. 14,049

AN ORDINANCE vacating an additional portion of East/West alley right-of-way between East 15th Street to East 16th Street and South of E. Grand Avenue and also to release an existing ingress/egress easement from the East/West alley right-of-way South to Capitol Avenue.

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 an additional portion of East/West alley right-of-way between East 15th Street to East 16th Street and South of E. Grand Avenue and also an existing ingress/egress easement from the East/West alley right-of-way South to Capitol Avenue, be and are hereby vacated:

All that part of the 18.0 foot East/West alley right-of-way lying North of and adjoining Lots 4 and 5, Block 45, Stewart's Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Easement to be vacated and released:

Commencing at the Southwest corner of Lot 4, Block 45, Stewart's Addition, an Official Plat; thence easterly 90° along the South line of said Lot 4, a distance of 16.0 feet to the point of beginning; thence North along a line parallel with and 16.0 feet normally distant from the West line of said Lot 4, a distance of 132.0 feet to the North line of said Lot 4; thence easterly along the North line of said Lot 4, a distance of 33.19 feet; thence southwesterly along a 25.0 foot curve to the left, a distance of 29.19 feet, said curve having a chord length of 27.56 feet; thence South along a line parallel with and 34.0 feet normally distant from the West line of said Lot 4, a distance of 109.01 feet 104.07 feet to the South line of said Lot 4; thence westerly along the south line of said Lot 4, a distance of 18.0 feet to the point of beginning, as recorded on June 26, 1989, in Book 6119 at page 43 in the recorder's office for Polk County, Iowa.

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:

Paul L. White, Assistant City Attorney

Preston Daniels, Mayor

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. 02-281), passed by the City Council of said City at a meeting held January 28, 2002, signed by the Mayor on January 28, 2002, and published as provided by law in the Business Record on February 11, 2002. Authorized by Publication Order No. 3111.

Donna Boetel-Baker, MMC City Clerk