

ORDINANCE NO. 14,734

AN ORDINANCE vacating an easement for subsurface and air space adjoining 707 8<sup>th</sup> 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 an easement for subsurface and air space adjoining 707 8<sup>th</sup> Street, more specifically described as follows, be and is hereby vacated.

CORNICE – AIR RIGHTS EASEMENT (EXHIBIT 1)

ALL OF THE AIR SPACE FOR THAT PART OF CENTER STREET RIGHT-OF-WAY AND THAT PART OF 7<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING BLOCK “Q” IN GRIMMEL’S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK “Q”; THENCE NORTH 89°(DEGREES) 20’(MINUTES) 27”(SECONDS) WEST ALONG THE NORTH LINE OF SAID BLOCK “Q”, 235.07 FEET; THENCE NORTH 0°39’33” EAST, 4.00 FEET; THENCE NORTH 89°41’53” EAST, 238.48 FEET; THENCE SOUTH 0°14’02” EAST, 325.86 FEET; THENCE SOUTH 89°45’58” WEST, 3.50 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK “Q”; THENCE NORTH 0°14’02” WEST ALONG SAID EAST LINE, 317.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,544 S.F.). WHICH IS BELOW A PLANE ELEVATION OF 166.75 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 152.00 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00’) BEING 61.00 FEET CITY DATUM.

AWNING – AIR RIGHTS EASEMENT – (EXHIBIT 2)

ALL OF THE AIR SPACE ABOVE THE WEST 5.0 FEET OF THAT PART OF 7<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING BLOCK “Q” IN GRIMMEL’S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK “Q”; THENCE NORTH 0°(DEGREES) 14’(MINUTES) 02”(SECONDS) WEST

ALONG THE EAST LINE OF SAID BLOCK "Q", 20.54 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°14'02" WEST ALONG SAID EAST LINE, 41.33 FEET; THENCE NORTH 89°45'58" EAST, 5.00 FEET; THENCE SOUTH 0°14'02" EAST, 41.33 FEET; THENCE SOUTH 89°45'58" WEST, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 207 S.F. WHICH IS BELOW A PLANE ELEVATION OF 136.67 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 101.67 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 61.00 FEET CITY DATUM.

SUBSURFACE FOOTING EASEMENT – (EXHIBIT 3)

EASEMENT "A"

A STRIP OF GROUND BELOW GRADE FOR THAT PART OF 7<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING BLOCK "Q" IN GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK "Q"; THENCE NORTH 0°(DEGREES) 14'(MINUTES) 02"(SECONDS) WEST ALONG THE EAST LINE OF SAID BLOCK "Q", 76.58 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°14'02" WEST ALONG SAID EAST LINE, 195.69 FEET; THENCE NORTH 89°45'58" EAST, 2.00 FEET; THENCE SOUTH 0°14'02" EAST, 195.69 FEET; THENCE SOUTH 89°45'58" WEST, 2.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (391 S.F.).

AND

EASEMENT "B"

A STRIP OF GROUND BELOW GRADE FOR THAT PART OF PARK STREET RIGHT-OF-WAY ADJOINING BLOCK "Q" IN GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK "Q"; THENCE NORTH 89°(DEGREES) 25'(MINUTES) 43"(SECONDS) WEST ALONG THE SOUTH LINE OF SAID BLOCK "Q", 91.43 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°34'17" WEST, 3.00 FEET; THENCE NORTH 89°25'43" WEST, 86.51 FEET; THENCE NORTH 0°34'17" EAST, 3.00

FEET TO A POINT ON SAID SOUTH LINE; THENCE SOUTH 89°25'43" EAST ALONG SAID SOUTH LINE, 86.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (260 S.F.).

PARAPET – AIR RIGHTS EASEMENT (EXHIBIT 4)

ALL OF THE AIR SPACE FOR THAT PART OF PARK STREET RIGHT-OF-WAY ADJOINING BLOCK “Q” IN GRIMMEL’S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK “Q”, THENCE NORTH 89°(DEGREES) 25’(MINUTES) 43”(SECONDS) WEST ALONG THE SOUTH LINE OF SAID BLOCK “Q”, 86.52 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°34’17” WEST, 5.00 FEET; THENCE NORTH 89°25’43” WEST, 95.18 FEET; THENCE NORTH 0°34’17” EAST, 5.00 FEET TO A POINT ON SAID SOUTH LINE; THENCE SOUTH 89°25’43” EAST ALONG SAID SOUTH LINE, 95.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (479 S.F.). WHICH IS BELOW A PLANE ELEVATION OF 176.92 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 171.50 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00’) BEING 61.00 FEET CITY DATUM.

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:

Glenna K. Frank, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, 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. 07-2408), passed by the City Council of said City at a meeting held December 17, 2007 signed by the Mayor on December 17, 2007 and published as provided by law in the Business Record on December 31, 2007, Authorized by Publication Order No.5894.

Diane Rauh, City Clerk