

ORDINANCE NO. 14,735

AN ORDINANCE vacating an air space easement to allow for a private enclosed pedestrian sky bridge between a proposed new parking structure south of Park Street and Principal Life Insurance Company's office building north of Park 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 air space easement to allow for a private enclosed pedestrian sky bridge between a proposed new parking structure south of Park Street and Principal Life Insurance Company's office building north of Park Street, more specifically described as follows, be and is hereby vacated.

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" AND THE NORTH RIGHT-OF-WAY LINE OF SAID PARK STREET, 127.17 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°13'56" EAST, 66.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID PARK STREET; THENCE NORTH 89°25'43" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 18.00 FEET; THENCE NORTH 0°13'56" WEST, 66.01 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE; THENCE SOUTH 89°25'43" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 18.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRES (1,188 S.F.). WHICH IS BELOW A PLANE ELEVATION OF 103.00 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 85.92 FEET CITY DATUM AT THE NORTH END OF THE SKYWALK, AND WHICH IS BELOW A PLANE ELEVATION OF 103.00 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 85.42 FEET CITY DATUM AT THE SOUTH END OF THE SKYWALK. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 61.50 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. 07-2411), 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. 5895.

Diane Rauh, City Clerk