

ORDINANCE NO. 14,742

AN ORDINANCE vacating an easement for air space above a portion of 13th Street right-of-way between Locust Street and Walnut Street and above a portion of Walnut Street right-of-way between 12th Street and 13th 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 air space above a portion of 13th Street right-of-way between Locust Street and Walnut Street and above a portion of Walnut Street right-of-way between 12th Street and 13th Street, more specifically described as follows, be and is hereby vacated.

An Air Rights Easement over and across a portion of the 13th Street Right-of-Way as it is presently established between Locust Street and Walnut Street, which is located above a plane elevation of 121.50 feet and below a plane elevation of 123.00 feet, ground level elevation being 44.67 feet, City Datum, described as follows:

Commencing at the Northwest Corner of the East 32.90 feet of Lot 6, Block 2, Allen's Addition, an official plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, said Corner being at the intersection of the South Right-of-Way Line of Locust Street with the East Right-of-Way Line of 13th Street as each is presently established; thence, South 15°(Degrees) 16'(Minutes) 08"(Seconds) East along the West Line of the East 32.90 feet of said Lot 6 and along the East Right-of-Way Line of said 13th Street a distance of 5.16 feet to the Point of Beginning; thence, continuing South 15°16'08" East along the West Line of the East 32.90 feet of said Lot 6 and along the East Right-of-Way Line of said 13th Street a distance of 53.67 feet; thence, South 74°11'09" West a distance of 0.69 feet; thence, North 15°48'51" West a distance of 53.67 feet; thence, North 74°11'09" East a distance of 1.20 feet to the Point of Beginning, containing 51 square feet, more or less.

AND,

An Air Rights Easement over and across a portion of the Walnut Street Right-of-Way as it is presently established between 12th Street and 13th Street, which is located above a plane elevation of 121.50 feet and below a plane elevation of 123.00 feet, ground level elevation being 44.67 feet, City Datum, described as follows:

Commencing at a point 2.00 feet West of the Southwest Corner of Lot 4, Block 28, Keene & Poindexter's Addition, an official plat, and Campbell & McMullen's Addition, an official plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, said point being at the intersection of the North Right-of-Way Line of Walnut Street with the East Right-of-Way Line of 13th Street as each is presently established; thence, North

74°(Degrees) 11'(Minutes) 19" (Seconds) East along the South Line of Lot 4 in said Block 28 and along the North Right-of-Way Line of said Walnut Street a distance of 1.71 feet to the Point of Beginning; thence, continuing North 74°11'19" East along the South Line of Lot 4 and 3 in said Block 28 and along the North Right-of-Way Line of said Walnut Street a distance of 79.17 feet; thence, South 15°48'51" East a distance of 1.14 feet; thence, South 74°11'09" West a distance of 79.17 feet; thence, North 15°48'51" West a distance of 1.14 feet to the Point of Beginning, containing 90 square feet, more or less;

AND,

Commencing at the Southeast Corner of Block 28, Keene & Poindexter's Addition, an official plat and Campbell and McMullen's Addition, an official plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, said Corner being at the intersection of the North Right-of-Way Line of Walnut Street with the West Right-of-Way Line of 12th Street as each is presently established; thence, South 74°(Degrees) 11'(Minutes) 19"(Seconds) West along the South Line of Lot 1 in said Block 28 and along the North Right-of-Way Line of said Walnut Street a distance of 1.68 feet to the Point of Beginning; thence, South 15°48'51" East a distance of 1.14 feet; thence, South 74°11'09" West a distance of 79.17 feet; thence, North 15°48'51" West a distance of 1.14 feet to the North Right-of-Way Line of said Walnut Street and the South line of Lot 2 in said Block 28; thence, North 74°11'19" East along the North Right-of-Way Line of said Walnut Street and the South line of Lots 1 and 2 in said Block 28, a distance of 79.17 feet to the Point of Beginning, containing 90 square feet, more or less.

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. 08-158), passed by the City Council of said City at a meeting held January 28, 2008 signed by the Mayor on January 28, 2008 and published as provided by law in the Business Record on February 11, 2008. Authorized by Publication Order No. 6052.

Diane Rauh, City Clerk