

ORDINANCE NO. 15,200

AN ORDINANCE vacating portions of the 7th Street, 8th Street and Walnut Street rights-of-way adjoining the Younkens Building at 713 Walnut 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 portions of the 7th Street, 8th Street and Walnut Street rights-of-way adjoining the Younkens Building at 713 Walnut Street, more specifically described as follows, be and are hereby vacated:

The area to be vacated consist of an underground area below the surface of the public sidewalk, and an above ground area above the surface of the public sidewalk, individually described as follows:

Underground area lying below the surface of the public sidewalk:

AN IRREGULAR SHAPED UNDERGROUND AREA WITHIN A PORTION OF THE 7th STREET PUBLIC RIGHT-OF-WAY, THE 8th STREET PUBLIC RIGHT-OF-WAY AND THE WALNUT STREET PUBLIC RIGHT-OF-WAY, AS THEY ARE PRESENTLY ESTABLISHED LYING WEST OF, SOUTH OF, AND EAST OF BLOCK 1 IN FORT DES MOINES, AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY, IOWA DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 IN SAID BLOCK 1, FORT DES MOINES; THENCE S14°51'20"E (ASSUMED FOR THE PURPOSE OF THIS DESCRIPTION) ALONG THE WESTERLY LINE OF SAID BLOCK 1, A DISTANCE OF 149.63 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 1; THENCE N74°45'30"E ALONG THE SOUTHERLY LINE OF SAID BLOCK 1, A DISTANCE OF 284.76 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 1; THENCE N14°51'20"W ALONG THE EASTERLY LINE OF SAID BLOCK 1, A DISTANCE OF 149.61 FEET TO THE SOUTHEAST CORNER OF LOT 7 IN SAID BLOCK 1; THENCE N74°45'43"E ALONG THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 7, A DISTANCE OF 12.00 FEET; THENCE S14°51'20"E ALONG A LINE PARALLEL WITH AND 12.00 FEET EAST OF AND NORMALLY DISTANT FROM THE EASTERLY LINE OF SAID BLOCK 1, A DISTANCE OF 161.61 FEET; THENCE S74°45'30"W ALONG A LINE PARALLEL WITH AND NORMALLY DISTANT FROM THE SOUTHERLY LINE OF SAID BLOCK 1, A DISTANCE OF 308.76 FEET; THENCE N14°51'20"W ALONG A LINE PARALLEL WITH AND 12.00 FEET WEST OF AND NORMALLY DISTANT FROM THE WESTERLY LINE OF SAID BLOCK 1, A DISTANCE OF 161.63 FEET; THENCE N74°45'43"E ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 2, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING, CONTAINING 7,296 SQUARE FEET.

Above ground area lying above surface of the public sidewalk:

AN IRREGULAR SHAPED ABOVE GROUND ENCROACHMENT OVER AND ACROSS A PORTION OF THE 7th STREET PUBLIC RIGHT-OF-WAY, THE 8th STREET PUBLIC RIGHT-OF-WAY, AND THE WALNUT STREET PUBLIC RIGHT-OF-WAY, AS THEY ARE PRESENTLY ESTABLISHED LYING WEST OF, SOUTH OF, AND EAST OF BLOCK 1, FORT DES MOINES, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA DESCRIBED AS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 3 IN SAID BLOCK 1, FORT DES MOINES; THENCE S14°51'20"E (ASSUMED FOR THE PURPOSE OF THIS DESCRIPTION) ALONG THE WESTERLY LINE OF LOTS 3 AND 4 IN SAID BLOCK 1, FORT DES MOINES, A DISTANCE OF 133.13 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE N74°45'30"E ALONG THE SOUTHERLY LINE OF LOTS 3 AND 5, AND ALONG THE SOUTHERLY LINE OF THE NORTH-SOUTH ALLEY, ALL IN SAID BLOCK 1, FORT DES MOINES, A DISTANCE OF 284.76 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5; THENCE N14°51'20"W ALONG THE EASTERLY LINE OF LOTS 5 AND 6 IN SAID BLOCK 1, FORT DES MOINES, A DISTANCE OF 133.11 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE N74°45'43"E ALONG THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT 6, A DISTANCE OF 11.40 FEET; THENCE S14°51'20"E ALONG A LINE PARALLEL WITH AND 11.40 FEET EAST OF THE EASTERLY LINE OF SAID LOTS 6 AND 5, A DISTANCE OF 136.22 FEET; THENCE S30°45'35"W, A DISTANCE OF 12.08 FEET; THENCE S74°45'30"W ALONG A LINE PARALLEL WITH AND 11.50 FEET SOUTH OF THE SOUTHERLY LINE OF SAID LOT 6, THE NORTH-SOUTH ALLEY IN SAID BLOCK 1, AND SAID LOT 4, A DISTANCE OF 289.35 FEET; THENCE N60°27'21"W, A DISTANCE OF 13.83 FEET; THENCE N14°51'20"W ALONG A LINE PARALLEL WITH AND 11.70 FEET WEST OF THE WESTERLY LINE OF SAID LOTS 4 AND 3, A DISTANCE OF 134.89 FEET; THENCE N74°45'43"E ALONG THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT 3, A DISTANCE OF 11.70 FEET TO THE POINT OF BEGINNING, CONTAINING 6,531 SQUARE FEET.

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. The City of Des Moines hereby further reserves an easement upon and across the entirety of the existing sidewalk upon the property described above for the continued use of that sidewalk for public pedestrian travel.

Sec. 4. That the City Clerk is hereby authorized and directed to cause a 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

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. 13-1036), passed by the City Council of said City at a meeting held June 24, 2013 signed by the Mayor on June 24, 2013 and published and provided by law in the Business Record on July 12, 2013. Authorized by Publication Order No.8608.

Diane Rauh, City Clerk