

ORDINANCE NO. 15,325

AN ORDINANCE vacating various City-owned street rights-of-way for the placement of and operation of the B-Cycle Program bicycle kiosks.

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:

Sec. 1. That various City-owned street rights-of-way for the placement of and operation of the B-Cycle Program bicycle kiosks, more specifically described as follows, be and is hereby vacated:

Legal Description – Location 1 (East Side of 13th St, South of Grand Ave)

A PART OF THE 13th STREET RIGHT OF WAY LYING IN LOT 4, FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, 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 SAID LOT 4; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 4 TO A POINT ON THE EAST RIGHT OF WAY LINE OF 13TH STREET, AS PRESENTLY ESTABLISHED; THENCE CONTINUING WEST ALONG SAID SOUTH LINE, 4 FEET; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, 10 FEET TO THE POINT OF BEGINNING; THENCE WEST AND PERPENDICULAR TO SAID EAST RIGHT OF WAY LINE, 6 FEET; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, 30 FEET; THENCE EAST AND PERPENDICULAR TO SAID EAST RIGHT OF WAY LINE, 6 FEET; THENCE SOUTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, 30 FEET TO THE POINT OF BEGINNING.

Legal Description – Location 2 (North Side of Walnut St, East of 10th St)

A PART OF THE WALNUT STREET RIGHT OF WAY LYING SOUTH OF LOT 8, BLOCK 5, WEST FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 8, 75 FEET; THENCE SOUTH AND PERPENDICULAR TO SAID SOUTH LINE, 10 FEET TO THE POINT OF BEGINNING; THENCE EAST AND PARALLEL TO SAID SOUTH LINE, 36 FEET; THENCE SOUTH AND PERPENDICULAR TO SAID SOUTH LINE, 6 FEET; THENCE WEST AND PARALLEL TO SAID SOUTH LINE, 36 FEET; THENCE NORTH AND PERPENDICULAR TO SAID SOUTH LINE, 6 FEET TO THE POINT OF BEGINNING.

Legal Description – Location 3 (West Side of 5TH Ave, North of Grand Ave)

A PART OF THE 5TH AVENUE RIGHT OF WAY LYING EAST OF LOT 9, ALHAMBRA NO.2, AN OFFICIAL PLAT, 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 SAID LOT 9, SAID CORNER LYING ON THE NORTH RIGHT OF WAY LINE OF GRAND AVENUE; THENCE EAST ALONG SAID NORTH RIGHT OF WAY LINE, 5.03 FEET TO THE WEST RIGHT OF WAY LINE OF 5TH AVENUE, AS PRESENTLY ESTABLISHED; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE, 130 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG SAID WEST RIGHT OF WAY LINE, 37 FEET; THENCE EAST AND PERPENDICULAR TO SAID WEST RIGHT OF WAY LINE, 6 FEET; THENCE SOUTH AND PARALLEL TO SAID WEST RIGHT OF WAY LINE, 37 FEET; THENCE WEST AND PERPENDICULAR TO SAID WEST RIGHT OF WAY LINE, 6 FEET TO THE POINT OF BEGINNING.

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:

Cori Kuhn Coleman, 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. 14-1799), passed by the City Council of said City at a meeting held November 17, 2014 signed by the Mayor on November 17, 2014 and published and provided by law in the Business Record on December 5, 2014. Authorized by Publication Order No. 8283.

Diane Rauh, City Clerk