

ORDINANCE NO. 15,410

AN ORDINANCE vacating subsurface portions of Mulberry Street and 9th Street, and north/south and east/west alley rights-of-way adjoining 915 Mulberry 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:

Sec. 1. That subsurface portions of Mulberry Street and 9th Street, and north/south and east/west alley rights-of-way adjoining 915 Mulberry Street, more specifically described as follows, be and is hereby vacated:

All that portion of 9th Street Right of Way lying between Mulberry Street and Walnut Street as they are presently established, all more particularly described as follows: Beginning at the southeast corner of Lot 1, Block 12, H.M. Hoxie's Addition to the Town of Fort Des Moines, Iowa, an Official Plat, Des Moines, Polk County, Iowa; thence N15°22'47"W along the west right of way line of said 9th Street, a distance of 133.99 feet; thence N74°15'58"E, a distance of 0.63 feet; thence S15°44'02"E, a distance of 136.33 feet; thence S74°15'58"W, a distance of 1.47 feet to the west Right of Way line of said 9th Street; thence N15°22'47"W along said west Right of Way line, a distance of 2.34 feet to the point of beginning.

All that portion of Mulberry Street Right of Way lying between 9th Street and 10th Street as they are presently established, all more particularly described as follows: Beginning at the southeast corner of Lot 1, Block 12, H.M. Hoxie's Addition to the Town of Fort Des Moines, Iowa, an Official Plat, Des Moines, Polk County, Iowa ; thence S15°22'47"E along the southerly extension of the east line of said Lot 1, a distance of 2.34 feet; thence S74°15'58"W, a distance of 141.20 feet; thence N15°44'02"W, a distance of 2.10 feet to the north Right of Way line of said Mulberry Street; thence N74°10'12"E, a distance of 141.21 feet to the point of beginning.

All that portion of the east – west alley lying adjacent to and north of Lot 2, Block 2, West Fort Des Moines, an Official Plat, Des Moines, Polk County, Iowa, all more particularly described as follows: Beginning at the northeast corner of said Lot 2; thence S74°10'15"W along the north line and the westerly extension of the north line of said Lot 2, a distance of 142.03 feet; thence N15°44'02"W, a distance of 2.23 feet; thence N74°15'58"E, a distance of 142.04 feet to the west Right of Way line of 9th Street as it is presently established; thence S15°22'47"E along the west Right of Way line of said 9th Street, a distance of 2.00 feet to the point of beginning.

All that portion of the north – south alley lying adjacent to and west of Lot 2, Block 2, West Fort Des Moines, an Official Plat, and adjacent to and west of Lots 1 and 2, Block 12, H.M. Hoxie’s Addition to the Town of Fort Des Moines, Iowa, an Official Plat , all in Des Moines, Polk County, Iowa, all more particularly described as follows: Commencing at the southeast corner of Lot 1, Block 12, H.M. Hoxie’s Addition to the Town of Fort Des Moines, Iowa, an Official Plat, Des Moines, Polk County, Iowa ; thence S74°10’12”W along the south line of said Lot 1 and along the westerly extension of said Lot 1, a distance of 140.77 feet to the point of beginning; thence continuing S74°10’12”W along the westerly extension of the south line of said Lot 1, a distance of 0.44 feet; thence N15°44’02”W, a distance of 132.00 feet; thence N74°10’15”E along the westerly extension of the north line of Lot 2, Block 12, in said West Fort Des Moines, a distance of 1.30 feet; thence S15°21’26”E, a distance of 132.00 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:

Lisa A. Wieland, 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.

15-1728), passed by the City Council of said City at a meeting held October 12, 2015 signed by the Mayor on October 12, 2015 and published and provided by law in the Business Record on October 30, 2015. Authorized by Publication Order No. 9329.

Diane Rauh, City Clerk