

ORDINANCE NO. 15,557

AN ORDINANCE vacating air space, surface rights and subsurface rights in portions of Walnut Street, 14th Street, Falcon Drive and City of Des Moines alley right-of-way all adjoining 1400 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:

Sec. 1. That air space, surface rights and subsurface rights in portions of Walnut Street, 14th Street, Falcon Drive and City of Des Moines alley right-of-way all adjoining 1400 Walnut Street, more specifically described as follows, be and is hereby vacated:

BUILDING ENCROACHMENT DOOR SWING EASEMENT DESCRIPTION

AREA "A"

THAT PART OF THE FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 1 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE SOUTH 74°16'20" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 59.70 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°48'33" EAST, 3.49 FEET; THENCE SOUTH 74°11'27" WEST, 5.00 FEET; THENCE NORTH 15°48'33" WEST, 3.50 FEET TO SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE NORTH 74°16'20" EAST, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 17 S.F.,

AREA "B"

THAT PART OF THE ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO LOT 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 15°23'36" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID ALLEY, 36.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 74°11'27" WEST, 1.96 FEET; THENCE NORTH 15°48'33" WEST, 5.00 FEET; THENCE NORTH 74°11'27" EAST, 2.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID ALLEY; THENCE SOUTH 15°23'36" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 5.00 FEET TO THE POINT OF BEGINNING AN CONTAINING 10 S.F.,

AREA "C"

THAT PART OF THE WALNUT STREET RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO LOT 1 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE SOUTH RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE SOUTH 74°11'27" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF WALNUT STREET, 8.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°11'27" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 5.00 FEET; THENCE NORTH 15°48'33" WEST, 1.00 FEET; THENCE NORTH 74°11'27" EAST, 5.00 FEET; THENCE SOUTH 15°48'33" EAST, 1.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 5 S.F.,

AREA "D"

THAT PART OF THE WALNUT STREET RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO LOT 1 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE SOUTH RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE SOUTH 74°11'27" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF WALNUT STREET, 37.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°11'27" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 5.00 FEET; THENCE NORTH 15°48'33" WEST, 1.00 FEET; THENCE NORTH 74°11'27" EAST, 5.00 FEET; THENCE SOUTH 15°48'33" EAST, 1.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 5 S.F.

BUILDING ENCROACHMENT GATE SWING EASEMENT DESCRIPTION

THAT PART OF THE FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOTS 1 AND 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°16'20" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 58.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°16'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 16.00 FEET; THENCE SOUTH 15°48'33" EAST, 4.32 FEET; THENCE SOUTH 74°11'27" WEST, 16.00 FEET; THENCE NORTH 15°48'33" WEST, 4.34 FEET TO THE POINT OF BEGINNING AND CONTAINING 69 S.F.;

AIR SPACE EASEMENT DESCRIPTION

AREA "A"

ALL OF THE AIR SPACE FOR THAT PART OF THE EXISTING 14TH STREET RIGHT-OF-WAY LYING ADJACENT TO AND EAST OF THE VACATED 14TH STREET RIGHT-OF-WAY, NOW INCLUDED IN AND FORMING A PART OF THE

CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF THE EXISTING 14TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF SAID 14TH STREET, 59.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 12.00 FEET; THENCE NORTH 74°11'27" EAST, 2.97 FEET; THENCE SOUTH 15°48'33" EAST, 12.00 FEET; THENCE SOUTH 74°11'27" WEST, 2.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 36 S.F. WHICH IS BELOW A PLANE ELEVATION OF 92.55 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 56.30 FEET CITY DATUM. THE GROUND ELEVATION WITHIN SAID DESCRIPTION IS APPROXIMATELY 37.69 FEET,

AREA "B"

ALL OF THE AIR SPACE FOR THAT PART OF FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°16'20" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID FALCON DRIVE, 5.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°16'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 12.00 FEET; THENCE SOUTH 15°48'33" EAST, 4.40 FEET; THENCE SOUTH 74°11'27" WEST, 12.00 FEET; THENCE NORTH 15°48'33" WEST, 4.42 FEET TO THE POINT OF BEGINNING AND CONTAINING 53 S.F. WHICH IS BELOW A PLANE ELEVATION OF 92.55 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 42.30 FEET CITY DATUM. THE GROUND ELEVATION WITHIN SAID DESCRIPTION IS APPROXIMATELY 31.60 FEET,

AREA "C"

ALL OF THE AIR SPACE FOR THAT PART OF FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°16'20" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID FALCON DRIVE, 43.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°16'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 12.00 FEET; THENCE SOUTH 15°48'33" EAST, 4.35 FEET; THENCE SOUTH 74°11'27" WEST, 12.00 FEET; THENCE NORTH 15°48'33" WEST, 4.36 FEET TO THE POINT OF BEGINNING AND CONTAINING 52 S.F. WHICH IS BELOW A PLANE ELEVATION OF 92.55 FEET CITY DATUM AND WHICH IS ABOVE A

PLANE ELEVATION OF 42.30 FEET CITY DATUM. THE GROUND ELEVATION WITHIN SAID DESCRIPTION IS APPROXIMATELY 32.30 FEET,

AREA "D"

ALL OF THE AIR SPACE FOR THAT PART OF THE ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO LOT 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 15°23'36" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID ALLEY, 59.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 74°11'27" WEST, 3.41 FEET; THENCE NORTH 15°48'33" WEST, 12.00 FEET; THENCE NORTH 74°11'27" EAST, 3.50 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID ALLEY; THENCE SOUTH 15°23'36" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 12.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 41 S.F. WHICH IS BELOW A PLANE ELEVATION OF 92.55 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 56.30 FEET CITY DATUM. THE GROUND ELEVATION WITHIN SAID DESCRIPTION IS APPROXIMATELY 38.00 FEET.

SUBSURFACE EASEMENT DESCRIPTION

AREA "A"

THAT PART OF THE SUBSURFACE OF EXISTING 14TH STREET RIGHT-OF-WAY LYING ADJACENT TO AND EAST OF THE VACATED 14TH STREET RIGHT-OF-WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF 14TH STREET, 50.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 9.00 FEET; THENCE NORTH 74°11'27" EAST, 0.46 FEET; THENCE SOUTH 15°48'33" EAST, 9.00 FEET; THENCE SOUTH 74°11'27" WEST, 0.46 FEET TO THE POINT OF BEGINNING AND CONTAINING 4 S.F.,

AREA "B"

THAT PART OF THE SUBSURFACE OF EXISTING 14TH STREET RIGHT-OF-WAY LYING ADJACENT TO AND EAST OF THE VACATED 14TH STREET RIGHT-OF-WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF SAID 14TH STREET, 80.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 9.00 FEET; THENCE NORTH 74°11'27" EAST, 0.48 FEET; THENCE SOUTH 15°48'33"

EAST, 9.00 FEET; THENCE SOUTH 74°11'27" WEST, 0.47 FEET TO THE POINT OF BEGINNING AND CONTAINING 4 S.F.,

AREA "C"

THAT PART OF THE SUBSURFACE OF FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO THE VACATED 14TH STREET RIGHT-OF-WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE SOUTH 74°16'20" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 26.81 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°48'33" EAST, 1.32 FEET; THENCE SOUTH 74°11'27" RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE NORTH 74°16'20" EAST, 8.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 11 S.F.,

AREA "D"

THAT PART OF THE SUBSURFACE OF FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 2 IN BLOCK 39 IN JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°16'20" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 16.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°16'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 8.00 FEET; THENCE SOUTH 15°48'33" EAST, 1.50 FEET; THENCE SOUTH 74°11'27" WEST, 8.00 FEET; THENCE NORTH 15°48'33" WEST, 1.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 12 S.F.,

AREA "E"

THAT PART OF THE SUBSURFACE OF FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 2 IN BLOCK 39 IN JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS
COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°16'20" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 51.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°16'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 8.00 FEET; THENCE SOUTH 15°48'33" EAST, 1.32 FEET; THENCE SOUTH 74°11'27"

WEST, 8.00 FEET; THENCE NORTH 15°48'33" WEST, 1.33 FEET TO THE POINT OF BEGINNING AND CONTAINING 11 S.F.

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. 17-0220), passed by the City Council of said City at a meeting held February 6, 2017 signed by the Mayor on February 6, 2017 and published and provided by law in the Business Record on February 24, 2017. Authorized by Publication Order No. 9898.

Diane Rauh, City Clerk

