

ORDINANCE NO. 15,638

AN ORDINANCE vacating segments of right-of-way in the vicinity of Southeast 22nd Street and Shaw Street and bounded by Martin Luther King, Jr. Parkway on the north, Maury Street on the south, Southeast 23rd Street on the east, and the Union Pacific Railroad right-of-way on the west.

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 segments of right-of-way in the vicinity of Southeast 22nd Street and Shaw Street and bounded by Martin Luther King, Jr. Parkway on the north, Maury Street on the south, Southeast 23rd Street on the east, and the Union Pacific Railroad right-of-way on the west, more specifically described as follows, be and is hereby vacated:

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 4 LYING SOUTH OF THE WESTERLY RIGHT OF WAY LINE OF SOUTHEAST 23<sup>RD</sup> STREET AND AS DESCRIBED IN PLAT OF SURVEY RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA;

AND

ALL THAT PART OF THE SOUTHEAST 22<sup>ND</sup> COURT RIGHT OF WAY LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF MAURY STREET AND LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 48 IN SAID BLOCK 4;

AND

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 5;

AND

ALL THAT PART OF THE SOUTHEAST 22<sup>ND</sup> STREET RIGHT OF WAY IN SECTION 12, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF MAURY STREET AND LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 48 IN SAID BLOCK 5;

AND

ALL THAT PART OF THE SOUTHEAST 22<sup>ND</sup> STREET RIGHT OF WAY IN SECTION 11, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF MAURY STREET AND LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH RIGHT OF WAY LINE OF THE ALLEY LYING NORTH OF AND ADJOINING BLOCK 6;

AND

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING SAID BLOCK 6;

AND

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING SAID BLOCK 6;

AND

ALL OF LOTS 8 AND 9 IN SAID BLOCK 6;

AND

THE SOUTH 30 FEET OF LOTS 1, 2, 3, 4, 5, 6 AND 7 IN SAID BLOCK 6;

AND

ALL THAT PART OF THE SCOTT STREET RIGHT OF WAY LYING WEST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 1 IN BLOCK 7 AND LYING EAST OF THE EASTERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY IN SAID SECTION 11, SAID EASTERLY LINE DESCRIBED IN VACATION ORDINANCE 15219, RECORDED IN BOOK 15003 PAGE 673 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA;

AND

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 7;

AND

ALL THAT PART OF SHAW STREET RIGHT OF WAY LYING WEST OF THE NORTHERLY EXTENSION OF THE WEST RIGHT OF WAY LINE OF SOUTHEAST 23<sup>RD</sup> STREET AND LYING EAST OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 7;

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 8;

AND

THE SOUTH 14 FEET OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 10;

AND

ALL THAT PART OF SOUTHEAST 21<sup>ST</sup> COURT RIGHT OF WAY LYING NORTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF SHAW STREET RIGHT OF WAY AND LYING SOUTH OF THE EASTERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY IN SAID SECTION 11;

AND

ALL THAT PART OF SHAW STREET RIGHT OF WAY LYING WEST OF THE EASTERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY IN SAID SECTION 11 AND LYING EAST OF THE NORTHEASTERLY RIGHT OF WAY LINE OF THE FORMER CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD AND LYING EAST OF THE SOUTHERLY EXTENSION OF THE WESTERLY RIGHT OF WAY LINE OF SOUTHEAST 21<sup>ST</sup> COURT;

ALL IN JACK'S PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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- 2192), passed by the City Council of said City at a meeting held December 18, 2017 signed by the Mayor on December 18, 2017 and published and provided by law in the Business Record on January 5, 2018. Authorized by Publication Order No. 10214.

Diane Rauh, City Clerk