

ORDINANCE NO. 15,870

AN ORDINANCE amending Ordinance No. 15,728 to correct a portion of the legal description therein to permanently vacate portions of East 4th Street, Des Moines Street and East 5th Street right-of-way adjoining 415 and 421 Des Moines Street.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, due to a scrivener's error in Ordinance No. 15,728, it is desirable that a portion of Ordinance No. 15,728 be amended and 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 amending Ordinance No. 15,7288 to repeal the legal description and replace said legal description by permanently vacating portions of East 4th Street, Des Moines Street and East 5th Street right-of-way adjoining 415 and 421 Des Moines Street, more specifically described as follows, be and is hereby approved:

A PART OF THE EAST 4TH STREET, EAST 5TH STREET, AND DES MOINES STREET RIGHTS-OF-WAY LYING ADJACENT TO LOT 1, BLOCK 10, EAST FORT DES MOINES, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST OF CORNER OF LOT 2, CITY CENTER PLAT NO. 1, AN OFFICIAL PLAT; THENCE NORTH 74°47'22" EAST, 80.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF E. 4TH STREET AND TO THE POINT OF BEGINNING; THENCE SOUTH 15°17'24" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 142.21 FEET; THENCE SOUTH 74°49'57" WEST, 2.00 FEET; THENCE NORTH 15°17'24" WEST, 146.71 FEET; THENCE NORTH 74°47'22" EAST, 344.75 FEET; THENCE SOUTH 15°20'33" EAST, 155.35 FEET; THENCE SOUTH 74°50'22" WEST, 3.00 FEET TO THE EAST LINE OF SAID LOT 1; THENCE NORTH 15°20'33" WEST ALONG SAID EAST LINE, 150.85 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 74°47'22" WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 339.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.05 ACRES (2,288 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.

Sec. 5. A corrected copy of Ordinance No. 15,728 reflecting this amendment, is attached hereto for reference.

FORM APPROVED:

Lisa A. Wieland, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, P. Kay Cmelik, 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. 20-0371), passed by the City Council of said City at a meeting held February 24, 2020 signed by the Mayor on February 24, 2020 and published and provided by law in the Business Record on March 13, 2020. Authorized by Publication Order No. 11060.

P. Kay Cmelik, City Clerk