

ORDINANCE NO. 15,886

AN ORDINANCE vacating (1) a segment of air rights within the east/west alley and 7th Street adjoining 655 Walnut Street; (2) two segments of surface and subsurface rights in the eastern portion of 7th Street adjacent to 655 Walnut Street and 319 7th Street; and (3) two segments of surface and subsurface rights on the western portion of 7th Street adjacent to 701 Walnut Street and 700 Locust 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 (1) a segment of air rights within the east/west alley and 7th Street adjoining 655 Walnut Street; (2) two segments of surface and subsurface rights in the eastern portion of 7th Street adjacent to 655 Walnut Street and 319 7th Street; and (3) two segments of surface and subsurface rights on the western portion of 7th Street adjacent to 701 Walnut Street and 700 Locust Street, more specifically described as follows, be and is hereby vacated:

SURFACE:

A PART OF THE 7TH STREET RIGHT-OF-WAY LYING EAST OF BLOCK 1, FORT DES MOINES AND WEST OF BLOCK 12, ORIGINAL TOWN OF FORT DES MOINES, OFFICIAL PLATS NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

AREA "A"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE NORTH 78°04'33" EAST, 1.21 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74°15'14" EAST, 1.07 FEET; THENCE SOUTH 15°44'46" EAST, 2.04 FEET; THENCE SOUTH 74°15'14" WEST, 1.07 FEET; THENCE NORTH 15°44'46" WEST, 2.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.2 SQUARE FEET.

AREA "B"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE NORTH 12°44'17" WEST, 22.99 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°44'46" WEST, 2.04 FEET; THENCE NORTH 74°15'14" EAST, 1.07 FEET; THENCE SOUTH 15°44'46" EAST, 2.04 FEET; THENCE SOUTH 74°15'14" WEST, 1.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.2 SQUARE FEET.

AREA "C"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE NORTH 59°44'19" EAST, 65.75 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°44'46" WEST, 1.17 FEET; THENCE NORTH 74°15'14" EAST, 1.21 FEET;

THENCE SOUTH 15°44'46" EAST, 1.17 FEET; THENCE SOUTH 74°15'14" WEST, 1.21 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.4 SQUARE FEET.

AREA "D"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE SOUTH 86°43'45" EAST, 67.33 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74°15'14" EAST, 1.21 FEET; THENCE SOUTH 15°44'46" EAST, 1.17 FEET; THENCE SOUTH 74°15'14" WEST, 1.21 FEET; THENCE NORTH 15°44'46" WEST, 1.17 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.4 SQUARE FEET.

AIR SPACE:

A PART OF THE 7TH STREET AND EAST-WEST ALLEY RIGHT-OF-WAY LYING ADJACENT TO LOT 3 IN BLOCK 12 OF THE ORIGINAL TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN BLOCK 1, FORT DES MOINES, AN OFFICIAL PLAT; THENCE NORTH 85°51'40" EAST, 67.29 FEET TO THE WEST LINE OF SAID LOT 3 IN BLOCK 12 OF THE ORIGINAL TOWN OF FORT DES MOINES AND THE POINT OF BEGINNING; THENCE NORTH 60°38'46" WEST, 14.27 FEET; THENCE NORTH 29°21'14" EAST, 20.22 FEET; THENCE SOUTH 60°38'46" EAST, 15.30 FEET TO THE NORTH LINE OF SAID LOT 3; THENCE SOUTH 74°15'04" WEST ALONG SAID NORTH LINE, 14.96 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 15°21'59" EAST ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 13.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 198 SQUARE FEET, LYING BETWEEN ELEVATIONS 53.59 AND 76.68 FEET CITY OF DES MOINES VERTICAL DATUM (REFERENCE GROUND ELEVATION OF 36.26 FEET AT SIDEWALK BELOW).

SUBSURFACE:

A PART OF THE 7TH STREET RIGHT-OF-WAY LYING EAST OF BLOCK 1, FORT DES MOINES AND WEST OF BLOCK 12, ORIGINAL TOWN OF FORT DES MOINES, OFFICIAL PLATS NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

AREA "A"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE NORTH 04°43'30" WEST, 3.89 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74°15'14" EAST, 2.00 FEET; THENCE SOUTH 15°44'46" EAST, 8.00 FEET; THENCE SOUTH 74°15'14" WEST, 2.00 FEET; THENCE NORTH 15°44'46" WEST, 8.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 16 SQUARE FEET.

AREA "B"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE NORTH 13°36'59" WEST, 20.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°44'46" WEST, 8.00 FEET; THENCE NORTH 74°15'14" EAST, 2.00 FEET;

THENCE SOUTH 15°44'46" EAST, 8.00 FEET; THENCE SOUTH 74°15'14" WEST, 2.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 16 SQUARE FEET.

AREA "C"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE NORTH 62°36'10" EAST, 64.59 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°44'46" WEST, 8.00 FEET; THENCE NORTH 74°15'14" EAST, 2.00 FEET; THENCE SOUTH 15°44'46" EAST, 8.00 FEET; THENCE SOUTH 74°15'14" WEST, 2.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 16 SQUARE FEET.

AREA "D"

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 1, FORT DES MOINES; THENCE SOUTH 89°25'35" EAST, 65.91 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74°15'14" EAST, 2.00 FEET; THENCE SOUTH 15°44'46" EAST, 8.00 FEET; THENCE SOUTH 74°15'14" WEST, 2.00 FEET; THENCE NORTH 15°44'46" WEST, 8.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 16 SQUARE FEET.

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. The City of Des Moines hereby further reserves an easement upon the property described above for public access to the alley entrances from 7th Street.

Sec. 4. 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. 5. 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, 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. 20-0666), passed by the City Council of said City at a meeting held on April 20, 2020 signed by the Mayor on April 20, 2020 and published and provided by law in the Business Record on May 8, 2020. Authorized by Publication Order No. 11117.

P. Kay Cmelik, City Clerk