

ORDINANCE NO. 15,996

AN ORDINANCE vacating portions of East 35<sup>th</sup> Street, East 39<sup>th</sup> Street, East 40<sup>th</sup> Street, East 41<sup>st</sup> Street, East Sheridan Avenue and Osceola Avenue Right-of-way located in the Lower Fourmile Creek Floodplain.

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 portions of East Sheridan Avenue from East 35<sup>th</sup> Street to East 36<sup>th</sup> Street, East 35<sup>th</sup> Street from Hull Avenue to Arthur Avenue, East 39<sup>th</sup> Street from East Jefferson Avenue to Four Mile Drive, Osceola Avenue from East 40<sup>th</sup> Street to East 41<sup>st</sup> Street, East 40<sup>th</sup> Street from Osceola Avenue to East Washington Avenue right-of-way developed with the Gay Lea Wilson Trail, and East 41<sup>st</sup> Street from Osceola Avenue to Indianapolis Avenue, more specifically described as follows, be and are hereby vacated:

Vacation Area A - E Sheridan Ave between E 35<sup>th</sup> St and E 36<sup>th</sup> St

ALL OF LOT "Q", FOUR MILE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.23 ACRES (10,081 SQUARE FEET).

Vacation Area B - E 35<sup>th</sup> St between Arthur Ave and Hull Ave

A PART OF LOT "O", FOUR MILE, AN OFFICIAL PLAT, LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF ARTHUR AVENUE AND LYING SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF HULL AVENUE, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 2.06 ACRES (89,947 SQUARE FEET).

Vacation Area C - E 39<sup>th</sup> St between Four Mile Dr and E Jefferson Ave

ALL OF LOT "H", ELMWOOD PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.37 ACRES (16,086 SQUARE FEET).

Vacation Area D - Osceola Ave between E 40<sup>th</sup> St and E 41<sup>st</sup> St

A PART OF LOT "D", ELMWOOD PARK, AN OFFICIAL PLAT, LYING EAST OF THE NORTHERLY EXTENSION OF WEST RIGHT OF WAY LINE OF EAST 40<sup>TH</sup> STREET AND LYING WEST OF THE NORTHERLY EXTENSION OF THE EAST RIGHT OF WAY LINE OF EAST 41<sup>ST</sup> STREET, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.48 ACRES (21,035 SQUARE FEET).

Vacation Area E - E 40<sup>th</sup> St between Osceola Ave and E Washington Ave (Trail Corridor)

ALL OF LOT "C", ELMWOOD PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.17 ACRES (7,218 SQUARE FEET).

Vacation Area F - E 41<sup>st</sup> St between Osceola Ave and Indianapolis Ave

ALL OF LOT "E", ELMWOOD PARK, AN OFFICIAL PLAT; AND PART OF LOT "D" BROADACRE, AN OFFICIAL PLAT, LYING SOUTH OF THE EASTERLY EXTENSIONS OF THE SOUTH LINE OF LOT "A" IN SAID BROADACRE AND LYING NORTH OF THE EASTERLY EXTENSION OF THE NORTH RIGHT OF WAY LINE OF INDIANAPOLIS AVENUE, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.73 ACRES (31,924 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. 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, 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. 21-0503), passed by the City Council of said City at a meeting held on March 22, 2021 and signed by the Mayor on March 22, 2021 and published and provided by law in the Business Record on April 9, 2021. Authorized by Publication Order No. 11477.

P. Kay Cmelik, City Clerk