

ORDINANCE NO. 16,035

AN ORDINANCE vacating a 6.5-foot by 43.0-foot segment of surface rights and an 11.0-foot by 9.75-foot segment of subsurface rights in Watson Powell Jr. Way right-of-way adjoining 524 4<sup>th</sup> 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 a portion 6.5-foot by 43.0-foot segment of surface rights and an 11.0-foot by 9.75-foot segment of subsurface rights in Watson Powell Jr. Way right-of-way in the vicinity of 524 4<sup>th</sup> Street, more specifically described as follows, be and is hereby vacated:

**Surface Vacation:**

A rectangular shaped portion of the Watson Powell Jr. Way Right of Way north of and adjacent to Lot 13, The New Y.M.C.A. Plat, an Official Plat, Des Moines, Polk County, Iowa, more particularly described as follows: Commencing at the northeast corner of said Lot 13; thence N89°33'20"W along the south Right of Way line of said Watson Powell Jr. Way, a distance of 55.24 feet to the point of beginning; thence continuing N89°33'20"W along said Right of Way line, a distance of 43.00 feet; thence N00°26'40"E, a distance of 6.50 feet; thence S89°33'20"E, a distance of 43.00 feet; thence S00°26'40"W, a distance of 6.50 feet to the point of beginning.

Easement contains 280 square feet.

**Subsurface Vacation:**

A rectangular shaped portion of the Watson Powell Jr. Way Right of Way north of and adjacent to Lot 13, The New Y.M.C.A. Plat, an Official Plat, Des Moines, Polk County, Iowa, more particularly described as follows: Commencing at the northeast corner of said Lot 13; thence N89°33'20"W along the south Right of Way line of said Watson Powell Jr. Way, a distance of 59.00 feet to the point of beginning; thence continuing N89°33'20"W along said Right of Way line, a distance of 9.75 feet; thence N00°26'49"E, a distance of 11.00 feet; thence S89°33'20"E, a distance of 9.75 feet; thence S00°26'49"W, a distance of 11.00 feet to the point of beginning.

Easement contains 107 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. 21-1352), passed by the City Council of said City at the meeting held on August 23, 2021 and signed by the Mayor on August 23, 2021 and published and provided by law in the Business Record on September 10, 2021. Authorized by Publication Order No. 11630.

P. Kay Cmelik, City Clerk