

ORDINANCE NO. 16,205

AN ORDINANCE vacating a portion of East Walnut Street and East 4th Street right-of-way adjoining 321 East Walnut 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 of East Walnut Street and East 4th Street right-of-way adjoining 321 East Walnut Street, more specifically described as follows, be and is hereby vacated:

A VACATION AREA IN THE EXISTING PUBLIC RIGHT-OF-WAY OF E WALNUT AVENUE & E 4TH STREET AS THEY ARE PRESENTLY ESTABLISHED LYING DIRECTLY ADJACENT TO BLOCK 2 OF SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT RECORDED IN BOOK 'A', PAGE 103 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SE CORNER OF THE N1/2 OF LOT 11 OF SAID BLOCK 2 OF SCOTT & DEAN'S ADDITION; THENCE N14°54'03"W, 198.91 FEET ALONG THE EAST LINE OF SAID BLOCK 2, SAID EAST LINE ALSO BEING THE WEST RIGHT-OF-WAY LINE OF SAID E 4TH STREET, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID E WALNUT AVENUE, SAID POINT BEING THE POINT OF BEGINNING; THENCE S79°32'38"W, 38.00 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT; THENCE N10°27'22"W, 6.00 FEET TO A POINT; THENCE N79°32'38"E, 43.55 FEET ALONG A LINE THAT IS PARALLEL TO SAID SOUTH RIGHT-OF-WAY LINE TO A POINT; THENCE S14°54'03"E, 23.55 FEET ALONG A LINE THAT IS PARALLEL TO AND 6.00 FEET EASTERLY OF SAID WEST RIGHT-OF-WAY LINE OF E 4TH STREET TO A POINT; THENCE S75°05'57"W, 6.00 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 2 AND SAID WEST RIGHT-OF-WAY LINE OF E 4TH STREET; THENCE N14°54'03"W, 18.00 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING AND CONTAINING 369 SQUARE FEET MORE OR LESS.

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: Mackenzie L. Moreno, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest: I, Laura Baumgartner, 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. 22-1917), passed by the City Council of said City at the meeting held on December 12, 2022 and signed by the Mayor on December 12, 2022 and published and provided by law in the Business Record on December 30, 2022 Authorized by Publication Order No. 12175.

Laura Baumgartner, City Clerk