

★ Roll Call Number

Agenda Item Number

54A

Date September 26, 2016


An Ordinance entitled, "AN ORDINANCE vacating the alley right-of-way between 6th Avenue and 7th Street adjoining High Street and Grand Avenue, and a portion of air space in the vacated 7th Street and Grand Avenue right-of-way",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)


Lisa A. Wieland
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk

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Prepared by: Lisa A. Wieland, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4124
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

ORDINANCE NO. _____

AN ORDINANCE vacating the alley right-of-way between 6th Avenue and 7th Street adjoining High Street and Grand Avenue, and a portion of air space in the vacated 7th Street and Grand Avenue right-of-way.

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 the alley right-of-way between 6th Avenue and 7th Street adjoining High Street and Grand Avenue, and a portion of air space in the vacated 7th Street and Grand Avenue right-of-way, more specifically described as follows, be and is hereby vacated:

ALLEY RIGHT-OF-WAY

A PART OF BLOCK E, OF GRIMMEL'S ADDITION TO THE 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:

THE NORTHERLY TO SOUTHERLY ALLEY LYING WESTERLY OF AND ADJACENT TO LOT 1 AND LOT 3 AND LYING EASTERLY OF LOT 6 ALL OF SAID BLOCK E OF GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, AN OFFICIAL PLAT AND LYING EASTERLY OF LOT 1 OF THE OFFICIAL PLAT OF LOTS 4 & 5 BLOCK E GRIMMEL'S ADDITION, OFFICIAL PLAT EXCEPT THE SOUTHERLY 7.00 FEET THEREOF; CONTAINING 3151.5 SQUARE FEET.

AIR SPACE

A PART OF 7TH STREET RIGHT-OF-WAY LYING ADJACENT TO THE WESTERLY LINE OF LOT 2 OF THE OFFICIAL PLAT OF LOTS 4 & 5 BLOCK E GRIMMEL'S ADDITION, 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 NORTHWEST CORNER OF LOT 6 OF BLOCK E, GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, AN OFFICIAL PLAT; THENCE SOUTH 15°20'36" EAST ALONG THE WESTERLY LINE OF SAID LOT 6 AND ALONG THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 90.58 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°20'36" EAST ALONG SAID WESTERLY LINE OF LOT 2, A DISTANCE OF 13.33 FEET; THENCE SOUTH 74°11'24" WEST, 5.00 FEET; THENCE NORTH 15°20'36" WEST, 13.33 FEET; THENCE NORTH 74°11'24" EAST, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 67 S.F. WHICH IS BELOW A PLANE ELEVATION OF 55.00 FEET CITY DATUM AND WHICH IS ABOVE A PLAN ELEVATION OF 53.00 FEET CITY DATUM, CURRENT GROUND ELEVATION 43.08 FEET;

AND

A PART OF LOT 1 OF THE OFFICIAL PLAT OF LOTS 4 & 5 BLOCK E GRIMMEL'S ADDITION, 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 SOUTHEAST CORNER OF SAID LOT 1, BLOCK E; THENCE SOUTH 74°12'27" WEST ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 57.07 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°12'27" WEST ALONG SAID SOUTHERLY LINE, 13.33 FEET; THENCE NORTH 15°48'36" WEST, 7.00 FEET; THENCE NORTH 74°12'27" EAST, 13.33; THENCE SOUTH 15°48'36" EAST, 7.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 93 S.F. WHICH IS BELOW A PLANE ELEVATION OF 53.00 FEET CITY DATUM AND WHICH IS ABOVE A PLAN ELEVATION OF 51.00 FEET CITY DATUM, CURRENT GROUND ELEVATION 41.26 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, and the reservation of an ingress/egress easement for the northern portion of said alley right-of-way, legally described as follows:

Ingress/Egress Easement Legal Description -

THE NORTH 26 FEET OF THE VACATED NORTH/SOUTH ALLEY IN BLOCK E OF GRIMMEL'S ADDITION TO THE TOWN OF DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 429 SQUARE FEET.

Benefited Property Legal Description -

ALL OF LOTS 1, 2 AND 3, BLOCK E OF GRIMMEL'S ADDITION TO THE TOWN OF DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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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