

★ Roll Call Number

Agenda Item Number

SSA

Date September 26, 2016

An Ordinance entitled, "AN ORDINANCE vacating air space and subsurface rights in portions of 8th Street, Locust Street, Grand Avenue and alley right-of-way adjoining 717 Locust Street",

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

SSA

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 air space and subsurface rights in portions of 8th Street, Locust Street, Grand Avenue and alley right-of-way adjoining 717 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 air space and subsurface rights in portions of 8th Street, Locust Street, Grand Avenue and alley right-of-way adjoining 717 Locust Street, more specifically described as follows, be and is hereby vacated:

AIR SPACE

8th Street

That part of 8th Street Right-of-Way in the City of Des Moines, Polk County, Iowa, being described as follows:

Beginning at the Southwest corner of Lot 4 in Block A of Commissioners Addition to Fort Des Moines, an Official Plat; thence South 73°(degrees) 57'(minutes) 20"(seconds) West, 11.50 feet; thence North 15°30'00" West, 282.38 feet; thence North 73°53'40" East, 11.50 feet to the Northwest corner of Lot 6 in said Block A of Commissioners Addition to Fort Des Moines; thence South 15°30'00" East, 282.39 feet along the West line of said Block A of Commissioners Addition to Fort Des Moines to the point of beginning.

Lying between elevations 48.00 and 53.00 feet City of Des Moines Vertical Datum (reference ground elevation of 38.19 feet at building entrance on Locust Street).

Containing 3,247 square feet, more or less.

Locust Street

That part of Locust Street Right-of-Way in the City of Des Moines, Polk County, Iowa, being described as follows:

Beginning at the Southeast corner of Lot 3 in Block A of Commissioners Addition to Fort Des Moines, an Official Plat; thence South 16°(degrees) 02'(minutes) 40"(seconds) East, 11.60 feet; thence South 73°57'20" West, 145.78 feet; thence North 15°30'00" West, 11.60 feet; thence North 73°57'20" East, 11.50 feet to the Southwest corner of Lot 4 in said Block A of Commissioners Addition to Fort Des Moines; thence North 73°57'20" East, 134.17 feet along the South line of said Block A of Commissioners Addition to Fort Des Moines to the point of beginning.

Lying between elevations 48.00 and 53.00 feet City of Des Moines Vertical Datum (reference ground elevation of 38.19 feet at building entrance on Locust Street).

Containing 1,690 square feet, more or less.

SUBSURFACE

Grand Avenue

That part of Grand Avenue Right-of-Way in the City of Des Moines, Polk County, Iowa, being described as follows:

Beginning at the Northwest corner of Lot 6 in Block A of Commissioners Addition to Fort Des Moines, an Official Plat; thence South 73°(degrees) 53'(minutes) 40"(seconds) West, 11.50 feet; thence North 15°30'00" West, 5.00 feet; thence North 73°53'40" East, 145.18 feet; thence South 15°35'51" East, 5.00 feet to the Northeast corner of said Lot 6; thence South 73°53'40" West, 133.69 feet along the North line of said Lot 6 to the point of beginning.

Containing 726 square feet, more or less.

8th Street

That part of 8th Street Right-of-Way in the City of Des Moines, Polk County, Iowa, being described as follows:

Beginning at the Southwest corner of Lot 4 in Block A of Commissioners Addition to Fort Des Moines, an Official Plat; thence South 73°(degrees) 57'(minutes) 20"(seconds) West, 11.50 feet; thence North 15°30'00" West, 282.38 feet; thence North 73°53'40" East, 11.50 feet to the Northwest corner of Lot 6 in said Block A of Commissioners Addition to Fort Des Moines; thence South 15°30'00" East, 282.39 feet along the West line of said Block A of Commissioners Addition to Fort Des Moines to the point of beginning.

Containing 3,247 square feet, more or less.

SSA

Locust Street

That part of Locust Street Right-of-Way in the City of Des Moines, Polk County, Iowa, being described as follows:

Beginning at the Southeast corner of Lot 3 in Block A of Commissioners Addition to Fort Des Moines, an Official Plat; thence North 73°(degrees) 57'(minutes) 20"(seconds) East, 8.25 feet; thence South 15°35'51" East, 11.60 feet; thence South 73°57'20" West, 153.94 feet; thence North 15°30'00" West, 11.60 feet; thence North 73°57'20" East, 11.50 feet to the Southwest corner of Lot 4 in said Block A of Commissioners Addition to Fort Des Moines; thence North 73°57'20" East, 134.17 feet along the South line of said Block A of Commissioners Addition to Fort Des Moines to the point of beginning.

Containing 1,786 square feet, more or less.

Alley

That part of the North-South Alley lying in Block A of Commissioners Addition to Fort Des Moines, an Official Plat, in the City of Des Moines, Polk County, Iowa, being described as follows:

Beginning at the Southeast corner of Lot 3 in Block A of Commissioners Addition to Fort Des Moines, an Official Plat; thence North 15°(degrees) 35'(minutes) 51"(seconds) West, 142.06 feet along the West line of said North-South Alley in Block A of Commissioners Addition to Fort Des Moines; thence North 74°24'09" East, 8.25 feet; thence South 15°35'51" East, 142.00 feet; thence South 73°57'20" West, 8.25 feet to the point of beginning.

Containing 1,172 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:



Lisa A. Wieland
Assistant City Attorney