



**Roll Call Number**

**Agenda Item Number**  
61A

.....  
**Date** July 13, 2020 .....

An Ordinance entitled, "AN ORDINANCE vacating a portion of East Martin Luther King, Jr. Parkway right-of-way located between East 15<sup>th</sup> Street and East 18<sup>th</sup> Street",

presented.

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

FORM APPROVED:

(First of three required readings)

\_\_\_\_\_  
/s/  
Lisa A. Wieland  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
<b>TOTAL</b>				

**CERTIFICATE**

I, P. Kay Cmelik, 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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE vacating a portion of East Martin Luther King, Jr. Parkway right-of-way located between East 15<sup>th</sup> Street and East 18<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 of East Martin Luther King, Jr. Parkway Right-of-Way located between East 15<sup>th</sup> Street and East 18<sup>th</sup> Street, more specifically described as follows, be and is hereby vacated:

A PORTION OF RIGHT OF WAY DEDICATION TRACT A, AS SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 16485, PAGE 889, IN THE OFFICE OF THE RECORDER, POLK COUNTY, IOWA, SAID PORTION BEING A PORTION OF LOTS 1 THRU 19, AND A PORTION OF VACATED RACCOON STREET ADJOINING LOTS 1 THRU 3, AND A PORTION OF VACATED SOUTHEAST 16TH STREET ADJOINING LOT 19, ALL IN COTTAGE ADDITION, AND A PORTION OF LOT 2, 3, 6 AND A PORTION OF THE VACATED NORTH/SOUTH ALLEY ADJOINING LOT 2, 3, AND 6, AND A PORTION OF THE VACATED RAILROAD, ALL IN CHOICE ADDITION TO DES MOINES, IOWA, AND A PORTION OF LOTS 34, 35, AND 36, BROOKS AND COS ADDITION TO THE CITY OF DES MOINES, AND A PORTION OF LOT 38, CAPITAL ADDITION, AND A PORTION OF FORMER CHICAGO, ROCK ISLAND, & PACIFIC RAILROAD, ALL OFFICIAL PLATS, ALL NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF EAST MARTIN LUTHER KING JR PARKWAY AND SOUTHEAST 15TH STREET; THENCE NORTH 83°(DEGREES) 07'(MINUTES) 17"(SECONDS) EAST, 508.46 FEET ON THE NORTHERLY RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING PARKWAY; THENCE 614.07 FEET ON A 5115.00 FOOT RADIUS CURVE TO THE RIGHT WITH A CHORD BEARING NORTH 86°33'39" EAST, 613.71 FEET ON SAID NORTH RIGHT OF WAY

LINE; THENCE NORTH 90°00'00" EAST, 775.21 FEET ON SAID NORTH RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF SOUTHEAST 18TH STREET; THENCE SOUTH 43°02'05" WEST, 58.83 FEET; THENCE NORTH 90°00'00" WEST, 671.03 FEET; THENCE 887.57 FEET ON A 7527.00 FOOT RADIUS CURVE TO THE LEFT WITH A CHORD BEARING SOUTH 86°37'19" WEST, 887.06 FEET; THENCE SOUTH 88°49'59" WEST, 80.56 FEET; THENCE SOUTH 83°07'17" WEST, 180.15 FEET; THENCE NORTH 61°20'28" WEST, 41.62 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 15TH STREET; THENCE NORTH 00°03'46" EAST, 0.81 FEET ON SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING CONTAINING (72,704 SQUARE FEET) 1.67 ACRES, 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:

\_\_\_\_\_  
/s/  
Lisa A. Wieland  
Assistant City Attorney