

Agenda Item Number <u>53A</u>

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Date August 17, 2020

An Ordinance entitled, "AN ORDINANCE vacating excess parkland located east of and adjoining 101 Locust 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	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.		
COWNIE							
BOESEN							
GATTO							
GRAY							
MANDELBAUM							
VOSS					IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.		
WESTERGAARD							
TOTAL							
MOTION CARRIED			API	PROVED			
Ma				Mayor	City Clerk		

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 excess parkland located east of and adjoining 101 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 excess parkland located east of and adjoining 101 Locust Street, more specifically described as follows, be and is hereby vacated:

PARCEL 2019-110 BEING A TRACT OF LAND LOCATED IN A PART OF LOT 2, COLISEUM PLACE, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

THE VACATED ALLEY ADJACENT TO LOT 1, LOT 2, AND LOT 3 OF COLISEUM PLACE, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE NORTHERLY 7.00 FEET THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE N15°30'37"W, ALONG THE EAST LINE OF SAID LOT 1 AND SAID LOT 3, ALSO BEING THE WEST LINE OF SAID VACATED ALLEY, 270.24 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE, AS PRESENTLY ESTABLISHED; THENCE N74°25'30"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 25.13 FEET; THENCE S15°38'49"E, 270.14 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF LOCUST STREET, ALSO BEING THE SOUTH LINE OF SAID LOT 2; THENCE S74°11'54"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 25.77 FEET, TO THE POINT OF BEGINNING.

DESCRIBED TRACT CONTAINS 0.16 ACRES (6,877 SQUARE FEET).

Sec. 2. The City of Des Moines hereby reserves a permanent 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. The City of Des Moines hereby a permanent access easement upon the property described above and requires such property to be open for public use during the hours that the Principal Riverwalk is open to the public.

Sec. 4. 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. 5. 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