

★ Roll Call Number

Agenda Item Number

36A

Date December 7, 2020

An Ordinance entitled, "AN ORDINANCE vacating a portion of 25<sup>th</sup> Street and alley right-of-way located between Forest Avenue and Clark Street West of 24<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)

*Lisa A. Wieland*  
Lisa A. Wieland  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**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.

\_\_\_\_\_  
City Clerk

36A

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 a portion of 25<sup>th</sup> Street and alley right-of-way located between Forest Avenue and Clark Street West of 24<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 25<sup>th</sup> Street and alley right-of-way located between Forest Avenue and Clark Street West of 24<sup>th</sup> Street, more specifically described as follows, be and is hereby vacated:

ALL THAT PORTION OF 25TH STREET BETWEEN CLARK STREET AND FOREST AVENUE DESCRIBED AS FOLLOWS: THE 66.00-FOOTWIDE STREET RIGHT OF WAY WEST OF AND ADJACENT TO LOT 15 SMITH'S 4TH ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AND THE 66.00-FOOT WIDE STREET RIGHT OF WAY WEST OF AND ADJACENT TO LOTS 5, 6, 7, AND 8 IN SMITH'S 2ND ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA; CONTAINING 31,363 SQUARE FEET;

AND

ALL THAT PORTION OF A 16.00-FOOT WIDE ALLEY BETWEEN CLARK STREET AND FOREST AVENUE DESCRIBED AS FOLLOWS: THE 16.00-FOOT WIDE ALLEY EAST OF AND ADJACENT TO LOT 15 SMITH'S 4TH ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AND THE 16.00-FOOT WIDE ALLEY EAST OF AND ADJACENT TO LOTS 5, 6, 7, AND 8 IN SMITH'S 2ND ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA; CONTAINING 7,603 SQUARE 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.

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.

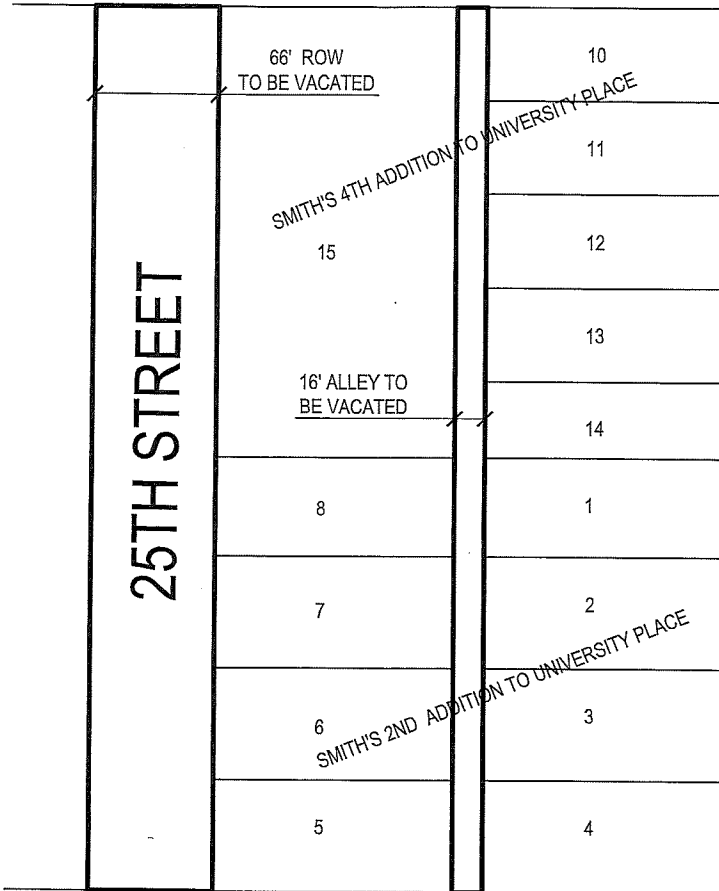
Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



Lisa A. Wieland  
Assistant City Attorney

# CLARK STREET



# FOREST AVENUE

# VACATION EXHIBIT

## VACATION DESCRIPTION:

ALL THAT PORTION OF 25TH STREET BETWEEN CLARK STREET AND FOREST AVENUE DESCRIBED AS FOLLOWS: THE 66.00 FOOT WIDE STREET RIGHT OF WAY WEST OF AND ADJACENT TO LOT 15 SMITH'S 4TH ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AND THE 66.00 FOOT WIDE STREET RIGHT OF WAY WEST OF AND ADJACENT TO LOTS 5, 6, 7, AND 8 IN SMITH'S 2ND ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA . CONTAINING 31,363 SQUARE FEET.

## VACATION DESCRIPTION:

ALL THAT PORTION OF THE 16.00 FOOT WIDE ALLEY BETWEEN CLARK STREET AND FOREST AVENUE DESCRIBED AS FOLLOWS: THE 16.00 FOOT WIDE ALLEY EAST OF AND ADJACENT TO LOT 15 SMITH'S 4TH ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AND THE 16.00 FOOT WIDE ALLEY EAST OF AND ADJACENT TO LOTS 5, 6, 7, AND 8 IN SMITH'S 2ND ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA . CONTAINING 7,603 SQUARE FEET.

## OWNER:

CITY OF DES MOINES  
RIGHT OF WAY

## PREPARED FOR:

DES MOINES INDEPENDENT  
SCHOOL DISTRICT

## LEGEND:

- PROPERTY CORNER
- ⊕ SECTION CORNER
- M MEASURED DISTANCE
- P PLATTED DISTANCE
- D DEEDED DISTANCE
- PRA PREVIOUSLY RECORDED AS
- ROW RIGHT OF WAY
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING

## GRAPHIC SCALE



SHEET 1 OF 1

**Bishop Engineering**  
"Planning Your Successful Development"

3501 104th Street

Des Moines, Iowa 50322-3825

Phone: (515)276-0467 Fax: (515)276-0217

Civil Engineering & Land Surveying

Established 1959

VACATION EXHIBIT  
DES MOINES, IOWA

*EJS 11-10-20*

REFERENCE NUMBER:

DRAWN BY:  
LDH

PROJECT NUMBER:  
200309