



**Roll Call Number**

**Agenda Item Number**

33A

**Date** April 5, 2021

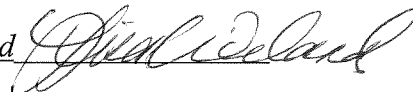
An Ordinance entitled, "AN ORDINANCE vacating air rights and subsurface rights in portions of 6<sup>th</sup> Avenue right-of-way adjoining 1230 6<sup>th</sup> Avenue, Des Moines, Iowa,"

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   
Lisa A. Wieland  
Assistant City Attorney

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

MOTION CARRIED APPROVED

**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.

\_\_\_\_\_  
Mayor

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

33A

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 rights and subsurface rights in portions of 6<sup>th</sup> Avenue right-of-way adjoining 1230 6<sup>th</sup> Avenue, Des Moines, Iowa.

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 vacating air rights and subsurface rights in portions of 6<sup>th</sup> Avenue right-of-way adjoining 1230 6<sup>th</sup> Avenue, Des Moines, Iowa, more specifically described as follows, be and are hereby vacated:

Air Rights

A PART OF LOTS 35 THROUGH LOT 38, GRAND PARK, AN OFFICIAL PLAT AND A PART OF THE RIGHT OF WAY OF 6TH AVENUE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 35; THENCE NORTH 89°55'34" WEST ALONG THE NORTH LINE OF SAID LOT 35, A DISTANCE OF 3.00 FEET TO THE NORTHWEST CORNER OF THE ACQUISITION PLAT RECORDED IN BOOK 17667 PAGE 87-89; THENCE SOUTH 00°12'17" EAST ALONG THE WEST LINE OF SAID ACQUISITION PLAT, 1.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°47'43" EAST, 4.00 FEET; THENCE SOUTH 00°01'48" EAST, 164.00 FEET; THENCE SOUTH 89°47'43" WEST, 3.50 FEET TO SAID WEST LINE; THENCE NORTH 00°12'17" WEST ALONG SAID WEST LINE, 164.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 615 SQUARE FEET

AND LYING BETWEEN ELEVATIONS 137.00 FEET AND 165.00 FEET CITY OF DES MOINES VERTICAL DATUM (REFERENCE GROUND ELEVATION OF 116.50 FEET).

Subsurface Rights

A PART OF LOTS 35 THROUGH LOT 38, GRAND PARK, AN OFFICIAL PLAT AND A PART OF THE RIGHT OF WAY OF 6TH AVENUE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:


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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.

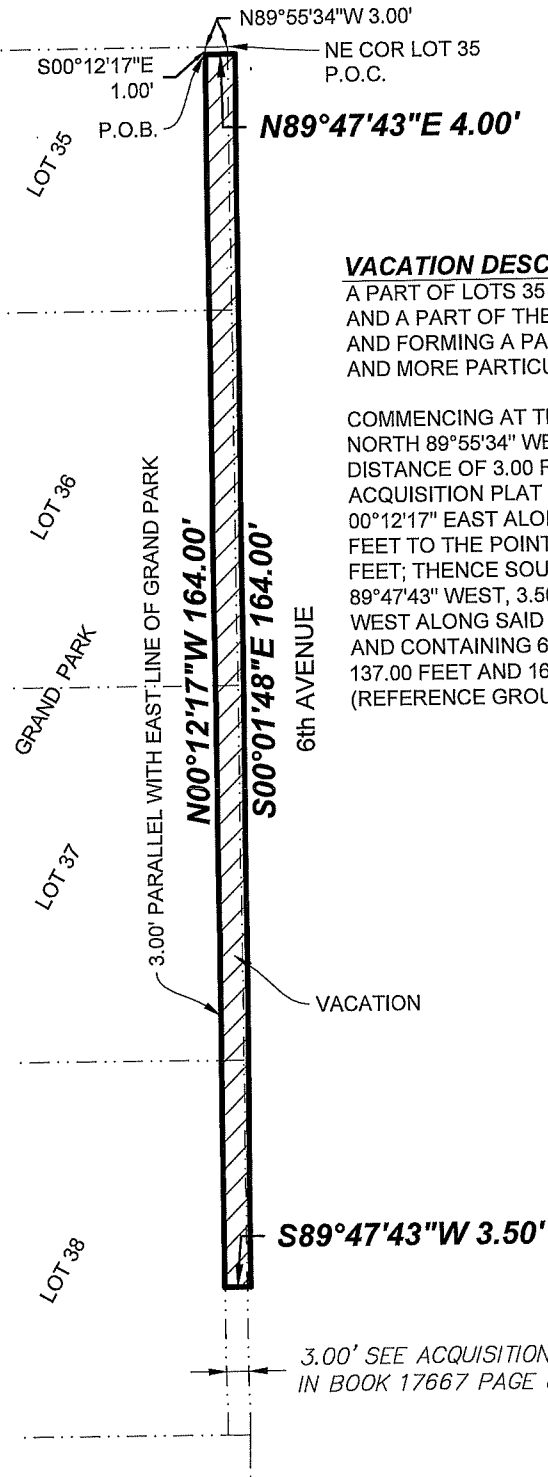
Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

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

# VACATION EXHIBIT

INDIANA AVENUE



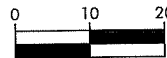
**VACATION DESCRIPTION**

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NORTH



(IN FEET)  
1 inch = 20 ft.

LEGEND	
	PROPERTY LINE
	SECTION LINE
	ROW LINE
	EASEMENT AREA

*EVS 2-12-21*

DRAWING PATH: P:\20175506-Drawings\Survey\201755 Easements and Vacations.dwg PLOT DATE: 02/10/2021 4:25 PM PLOTTED BY: MIKE LEE



1360 NW 121st Street, STE A  
Clive, Iowa 50325  
515-964-1229  
fax 515-964-2370

**PT LOTS 35-38, GRAND PARK  
VACATION  
EXHIBIT**

DES MOINES, IOWA  
POLK COUNTY  
PROJECT #201755  
DATE 2/1/2021

REVISIONS  
2/8/2021  
2/10/2021

ENGINEER  
-  
SURVEYOR  
M.LEE

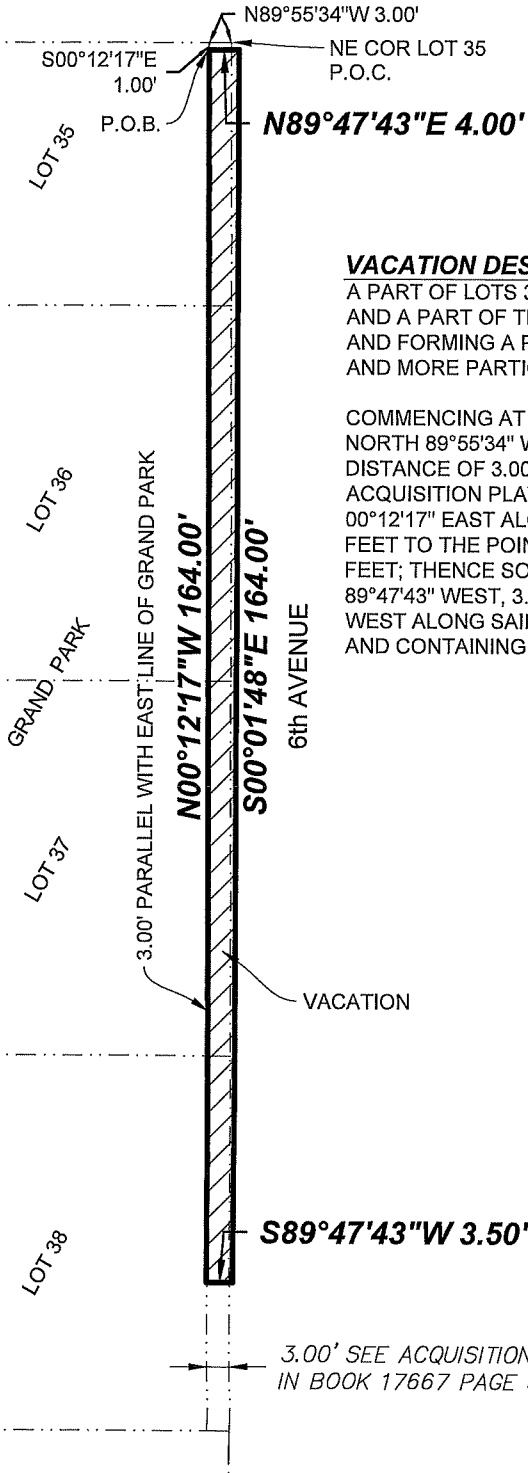
DRAWN BY  
M.LEE  
CREW CHIEF  
-

SKETCH NO.

**EXH-01**

# VACATION EXHIBIT

INDIANA AVENUE



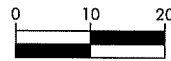
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*E25 2-12-21*



1360 NW 121st Street, STE A  
 Clive, Iowa 50325  
 515-964-1229  
 fax 515-964-2370

**PT LOTS 35-38, GRAND PARK  
 VACATION  
 EXHIBIT**

DES MOINES, IOWA  
 POLK COUNTY  
 PROJECT #201755  
 DATE 2/1/2021

REVISIONS  
 2/8/2021  
 2/10/2021

ENGINEER  
 -  
 SURVEYOR  
 M.LEE

DRAWN BY  
 M.LEE  
 CREW CHIEF  
 -

SKETCH NO.

**EXH-01**