



**Roll Call Number**

**Agenda Item Number**

4

Date July 23, 2021


An Ordinance entitled, "AN ORDINANCE vacating a portion of the City's right-of-way located on the west side of 42<sup>nd</sup> Street north of Rollins Avenue and on the east side of 42<sup>nd</sup> Street south of Rollins Avenue",

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				
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

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

AN ORDINANCE vacating a portion of City's right-of-way located on the west side of 42<sup>nd</sup> Street north of Rollins Avenue and on the east side of 42<sup>nd</sup> Street south of Rollins Avenue.

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 vacating a portion of City's right-of-way located on the west side of 42<sup>nd</sup> Street north of Rollins Avenue and on the east side of 42<sup>nd</sup> Street south of Rollins Avenue, more specifically described as follows, be and is hereby vacated:

WEST SIDE OF 42<sup>ND</sup> STREET

A PART OF 42<sup>ND</sup> STREET RIGHT OF WAY IN LOT 32 OF THE OFFICIAL REPLAT OF THE OFFICIAL PLAT OF THE NE 1/4 OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> P.M., ALL 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 32; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 32, A DISTANCE OF 138 FEET; THENCE WEST AND PERPENDICULAR TO SAID EAST LINE, 6.5 FEET TO THE POINT OF BEGINNING; THENCE SOUTH AND PARALLEL TO SAID EAST LINE, 14 FEET; THENCE WEST AND PERPENDICULAR TO SAID EAST LINE, 5 FEET TO THE WEST RIGHT OF WAY LINE OF 42<sup>ND</sup> STREET, AS PRESENTLY ESTABLISHED; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE, 14 FEET; THENCE EAST AND PERPENDICULAR TO SAID EAST LINE, 5 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 70 SQUARE FEET.

EAST SIDE OF 42<sup>ND</sup> STREET

A PART OF LOT 10 AND A PART OF 42<sup>ND</sup> STREET RIGHT OF WAY LYING WEST OF SAID LOT 10, ALL IN BRYN MAWR HEIGHTS ADDITION TO THE CITY OF DES MOINES, IA, AN OFFICIAL PLAT, ALL 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 NORTHWEST CORNER OF LOT 10; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 10, A DISTANCE OF 5 FEET TO THE EAST RIGHT OF WAY LINE OF 42<sup>ND</sup> STREET; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE, 20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH ALONG SAID EAST RIGHT OF WAY LINE, 14 FEET; THENCE WEST AND PERPENDICULAR TO SAID EAST RIGHT OF WAY LINE, 6 FEET; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, 14 FEET; THENCE EAST AND PERPENDICULAR TO SAID EAST RIGHT OF WAY LINE, 6 FEET TO SAID EAST RIGHT OF WAY LINE AND TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 84 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

**VACATION  
EXHIBIT  
1 OF 2**

Chamberlain Ave

POC  
NE CORNER  
LOT 32

**OFFICIAL REPLAT OF  
OP SEC 1-79-24**

PT LOT 32

PT LOT 32

WEST ROW LINE  
OF 42ND ST

EAST LINE  
OF LOT 32

5'

6.5'

14'

5'

14'

POB

138'

42nd St

Rollins Ave



**VACATION  
EXHIBIT  
2 OF 2**

Rollins Ave

42nd St

POC  
NW CORNER  
LOT 10

**BRYN MAWR  
HEIGHTS ADDITION**

5'

20'

POB

6'

PT LOT 10

14'

14'

EAST ROW LINE  
OF 42ND ST

6'

WEST LINE  
OF LOT 10

