

 **Roll Call Number**

Agenda Item Number
38A

.....
Date August 23, 2021


An Ordinance entitled, "AN ORDINANCE vacating a portion of Southeast 3rd Street right-of-way located south of vacated East Vine Street and north of East Market 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
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

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 Southeast 3rd Street right-of-way located south of vacated East Vine Street and north of East Market 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 portions of Southeast 3rd Street right-of-way, more specifically described as follows, be and is hereby vacated:

Legal Description

That part of SE 3rd Street Right of Way lying easterly of Block K, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Commencing at the southeast corner of said Block K; thence North 15 degrees 13 minutes 28 seconds West, along the easterly line of said Block K, a distance of 5.73 feet to the point of beginning; thence North 74 degrees 46 minutes 32 seconds East, 10.17 feet; thence North 15 degrees 04 minutes 47 seconds West, 253.49 feet; thence South 74 degrees 40 minutes 51 seconds West, 10.78 feet to a point on said easterly line; thence South 15 degrees 13 minutes 00 seconds East, along said easterly line, a distance of 253.47 feet to said Point of Beginning.

Area contains 2,654 square feet.

BASIS OF BEARING:

The orientation of this bearing system is based on the easterly line of Block K. Said line bears South 15 degrees 13 minutes 00 seconds East.

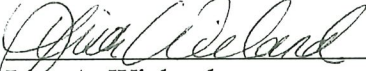
IARCS - Zone 8

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

- LEGEND OF SYMBOLS/ABBREVIATIONS
- MONUMENT FOUND (monuments as described)
 - MAG NAIL SET
 - ◇ MONUMENT SET (1/2" rebar w/pc no. 14199)
 - ◇ MAG NAIL FOUND
 - ▽ SECTION CORNERS SET (1/2" rebar w/pc no. 14199)
 - ▽ SECTION CORNERS SET (1/2" rebar w/pc no. 14199)
 - ▽ (100.00') RECORDED AS
 - ▽ RED PLASTIC CAP
 - ▽ YELLOW PLASTIC CAP

STREET VACATION DESCRIPTION:

That part of SE 3rd Street right of Way lying easterly of Block K, Scott and Deans's Addition, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Commencing at the southeast corner of said Block K; thence North 15 degrees 13 minutes 00 seconds West, along the easterly line of said Block K, a distance of 5.73 feet to the point of beginning; thence North 74 degrees 48 minutes 32 seconds East, 10.17 feet; thence North 15 degrees 04 minutes 47 seconds West, 253.49 feet; thence South 74 degrees 40 minutes 51 seconds West, 10.78 feet to a point on said easterly line; thence South 15 degrees 13 minutes 00 seconds East, along said easterly line, a distance of 253.47 feet to said Point of Beginning.

Area contains 2,554 square feet.

BASIS OF BEARING:

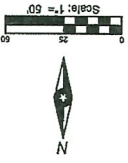
The orientation of this bearing system is based on the easterly line of Block K. Said line bears South 15 degrees 13 minutes 00 seconds East.

IARCS - Zone 8

INDEX LEGEND

PLAT OF VACATION

CITY: Des Moines
 COUNTY: Polk
 PLAT NAME: Scott & Deans's Addition
 PROPRIETOR: City of Des Moines
 PLAT PREPARED FOR: City of Des Moines
 PLAT PREPARED BY: Tom W.G. Edgerton
 COMPANY NAME: ISG
 OFFICE ADDRESS: 508 East Loquist Street
 PHONE: 515-243-9143



Survey Date: 09/01/20
 Drawn By: TWGE
 Sheet 1 of 1
 PLOT: 20-29393
 Date: 12/04/20

Tom W.G. Edgerton
 License Number 14199
 My License renewal date is 12/31/2021
 Pages covered by this seal: 1

Seal of Tom W.G. Edgerton, State of Iowa, License No. 14199, Commission Expires 12/31/2021.

I hereby certify that this land surveying document was prepared by me and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

075 12-29-20

ISG

