

 **Roll Call Number**

Agenda Item Number
52A

Date October 18, 2021

An Ordinance entitled, "AN ORDINANCE vacating segments of City of Des Moines of 16th Street right-of-way and Linden Street right-of-way, generally bound by High Street and Ingersoll Ave and 15th Street and 17th Street",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

/s/ Thomas G. Fisher Jr.
Thomas G. Fisher Jr.
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

52a

Prepared by: Thomas G. Fisher Jr., 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 segments of City of Des Moines of 16th Street right-of-way and Linden Street right-of-way, generally bound by High Street and Ingersoll Ave and 15th Street and 17th Street.

WHEREAS, there is no known current or future public need or benefit for the right-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said right-of-way, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated; and,

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 segments of City of Des Moines Street right-of-way of 16th Street right-of-way and Linden Street right-of-way, generally bound by High Street and Ingersoll Ave and 15th Street and 17th Street more specifically described as follows, be and are hereby vacated:

All that part of the alley Right of Way located in Block 7, 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:

That part of 16th Street Right of Way lying between Blocks B and C, that part of Linden Street Right of Way lying between Blocks B, C and D, and that part of Lots 2, 3, 8 and 9, of Block D, all in Subdivision of Lot No. 6 of the Pursley Estate, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa; that part of 16th Street Right of Way lying between Lots 2 and 3 and that part of Lots 1, 2 and 3, all in Linden, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa described as follows:

Beginning at the Northeast corner of said Block B, thence South 89 degrees 39 minutes 26 seconds East (assumed bearing), 66.00 feet to the Northwest corner of said Block C; thence South 00 degrees 08 minutes 25 seconds East, on the east right of way line of 16th Street; 279.64 feet to the southwest corner of said Block C; thence South 89 degrees 44 minutes 50 seconds East, on the north right of way line of Linden Street; 388.93 feet; thence South 66 degrees 10 minutes 14 seconds West, 72.00 feet; thence South 71 degrees 03 minutes 40 seconds West, 111.40 feet; thence South 75 degrees 57 minutes 20 seconds West, 47.56 feet; thence South 79 degrees 19 minutes 06 seconds West, 110.00 feet; thence South 84 degrees 40 minutes 46 seconds West, 90.00 feet; thence South 87 degrees 41 minutes 29 seconds West, 206.00 feet; thence North 00 degrees 00 minutes 20 seconds West, 50.56 feet to a point on the south right of way line of Linden Street; thence North 89 degrees 44 minutes 50 seconds West, on said south line, 93.00 feet to the northwest corner of said Block D; thence North 00 degrees 00 minutes 20 seconds West, 66.00 feet to the southwest corner of said Block B; thence South 89 degrees 44 minutes 50 seconds East, on the north right of way line of Linden Street, 259.00 feet to the southeast corner of said Block B; thence North 00 degrees 08 minutes 25 seconds West, on the west right of way line of 16th Street, 279.74 feet to the point of beginning.
 Area contains 75,712 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:

/s/ Thomas G. Fisher Jr.
 Thomas G. Fisher Jr.
 Assistant City Attorney