



Roll Call Number

Agenda Item Number

44A

Date..... January 22, 2024.....

An Ordinance entitled, "AN ORDINANCE vacating 26 square feet of surface right-of-way and 542 square feet of air right-of-way in the vicinity of adjoining properties at 3614 6th Avenue",

presented.

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

FORM APPROVED:

(First of three required readings)

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED	APPROVED			

CERTIFICATE

I, LAURA BAUMGARTNER, 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

HCA

Prepared by: Mackenzie L. Moreno, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4535
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

ORDINANCE NO. _____

AN ORDINANCE vacating 26 square feet of surface right-of-way and 542 square feet of air right-of-way in the vicinity of adjoining properties at 3614 6th 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 the 26 square feet of surface right-of-way and 542 square feet of air right-of-way in the vicinity of adjoining properties at 3614 6th Avenue, more specifically described as follows, be and is hereby vacated:

AIR RIGHTS

PART OF 6TH AVENUE RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 1 IN BLOCK 2 OF OAK PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1 IN BLOCK 2 OF OAK PARK; THENCE SOUTH 00°(DEGREES) 05'(MINUTES) 05"(SECONDS) EAST (BEARING ASSUMED FOR THE PURPOSE OF THIS DESCRIPTION ONLY), 45.52 FEET ALONG THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING; THENCE NORTH 89°54'55" EAST, 8.63 FEET; THENCE SOUTH 00°05'05" EAST, 62.85 FEET; THENCE SOUTH 89°54'55" WEST, 8.63 FEET TO THE EAST LINE OF SAID LOT 1; THENCE NORTH 00°05'05" WEST, 62.85 FEET ALONG THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 126.50 AND 133.50 FEET, CITY OF DES MOINES DATUM (REFERENCE GROUND LEVEL ELEVATION OF 117.57 FEET, CITY OF

DES MOINES DATUM, AT THE SOUTHEAST CORNER OF ABOVE-DESCRIBED LOCATION). HORIZONTALLY CONTAINING 542 SQUARE FEET.

SURFACE RIGHTS

PART OF 6TH AVENUE RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 1 IN BLOCK 2 OF OAK PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1 IN BLOCK 2 OF OAK PARK; THENCE SOUTH 00°(DEGREES) 05'(MINUTES) 05"(SECONDS) EAST (BEARING ASSUMED FOR THE PURPOSE OF THIS DESCRIPTION ONLY), 45.52 FEET ALONG THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING; THENCE NORTH 89°54'55" EAST, 0.41 FEET; THENCE SOUTH 00°05'05" EAST, 62.41 FEET; THENCE SOUTH 89°54'55" WEST, 0.41 FEET TO THE EAST LINE OF SAID LOT 1; THENCE NORTH 00°05'05" WEST, 62.41 FEET ALONG THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.

CONTAINING 26 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:


Mackenzie L. Moreno
Assistant City Attorney

VACATION EXHIBIT

AIR RIGHTS

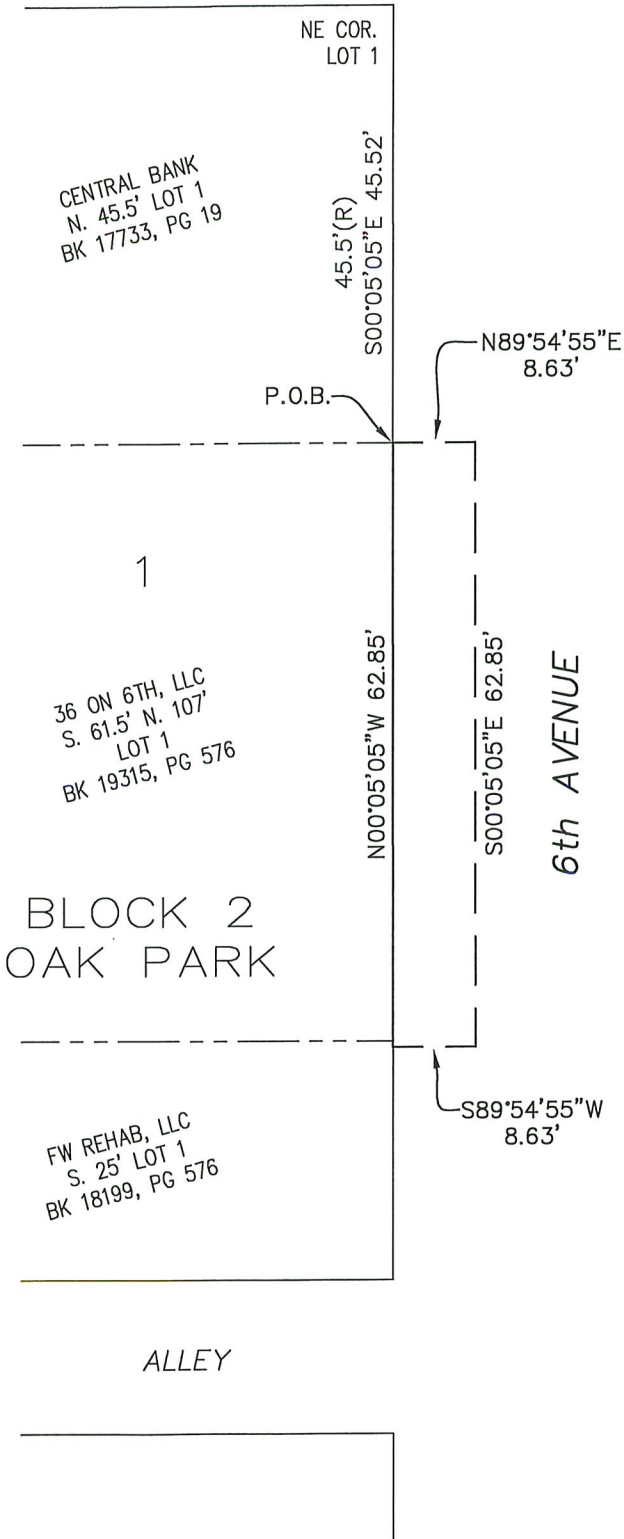
CLINTON AVENUE

VACATION DESCRIPTION

Part of 6th Avenue right-of-way lying East of and adjoining Lot 1 in Block 2 of Oak Park, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

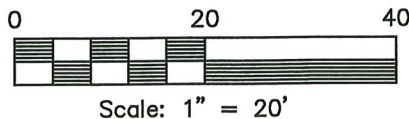
Commencing at the Northeast corner of said Lot 1 in Block 2 of Oak Park; thence South 00°(degrees) 05'(minutes) 05"(seconds) East (bearing assumed for the purpose of this description only), 45.52 feet along the East line of said Lot 1 to the Point of Beginning; thence North 89°54'55" East, 8.63 feet; thence South 00°05'05" East, 62.85 feet; thence South 89°54'55" West, 8.63 feet to the East line of said Lot 1; thence North 00°05'05" West, 62.85 feet along the East line of said Lot 1 to the point of beginning.

Lying between elevations 126.50 and 133.50 feet, City of Des Moines Datum (reference ground level elevation of 117.57 feet, City of Des Moines Datum, at the Southeast corner of above-described location). Horizontally containing 542 square feet.



LEGEND

R.O.W. RIGHT OF WAY
P.O.B. POINT OF BEGINNING



ERS 8-9-23

<h1 style="font-size: 2em; margin: 0;">ERG</h1>	Engineering Resource Group, Inc. 2413 GRAND AVENUE DES MOINES, IOWA 50312 (515) 288-4823	
	VACATION EXHIBIT	
DATE: 6/08/2023	PROJ. NO.: 23-043	
DWG: 23-043-EASE.DWG		

VACATION EXHIBIT

BUILDING ENCROACHMENT

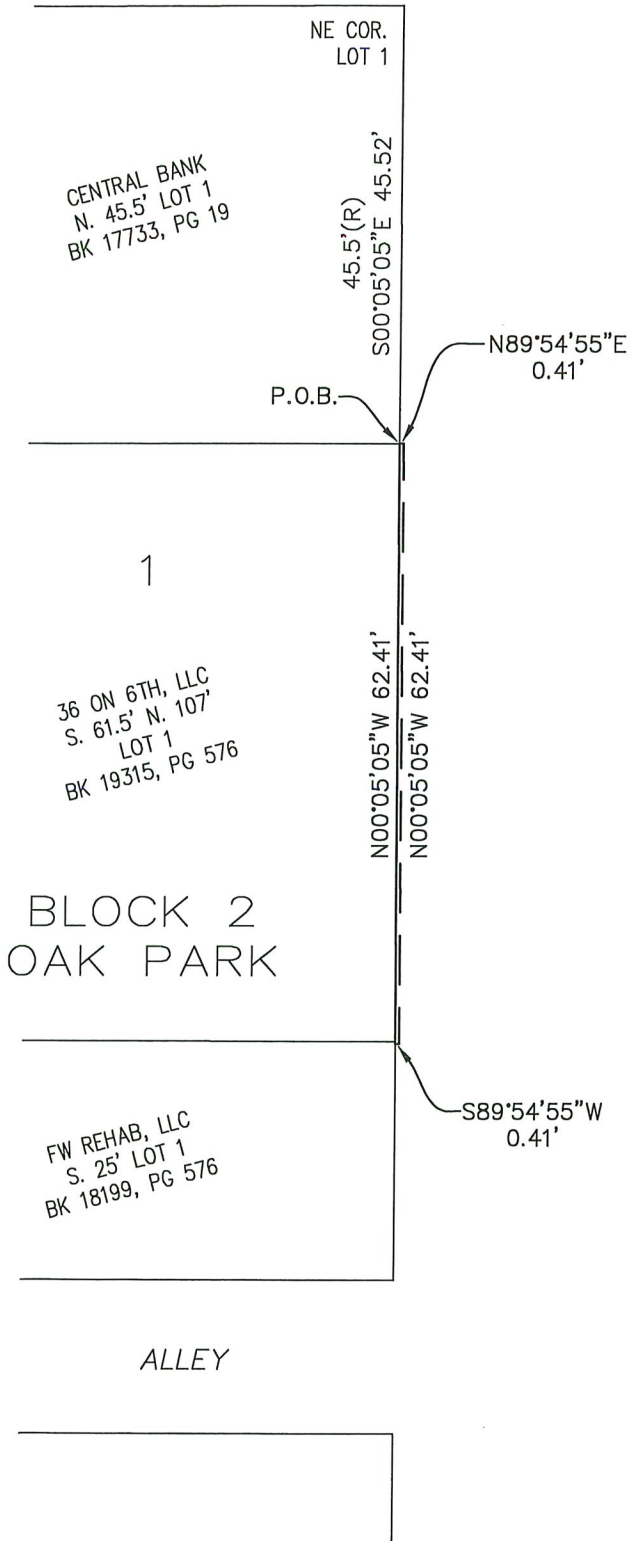
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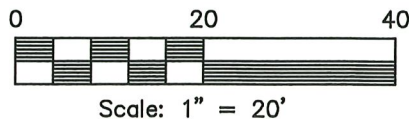
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Containing 26 square feet.



LEGEND

- R.O.W. RIGHT OF WAY
- P.O.B. POINT OF BEGINNING



EPS 8-9-23

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