



Roll Call Number

Agenda Item Number

45A

Date January 22, 2024

An Ordinance entitled, "AN ORDINANCE vacating subsurface rights within a portion of 6th Avenue right-of-way located east of and adjoining 1716 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

45A

Prepared by: Mackenize 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 subsurface rights within a portion of 6th Avenue right-of-way located east of and adjoining 1716 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 subsurface rights within a portion of 6th Avenue right-of-way located east of and adjoining 1716 6th Avenue, more specifically described as follows, be and is hereby vacated:

A VACATION OF PART OF THE 6TH AVENUE PUBLIC RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO LOTS 2 THROUGH 5, BLOCK 5 OF THE OFFICIAL PLAT OF THE SW1/4 NE1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (ALSO KNOWN AS POLK COUNTY HOMESTEAD AND TRUST COMPANY ADDITION), AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF SAID LOT 5; THENCE N00°03'43"W, 199.97 FEET ALONG THE EAST LINE OF SAID LOTS 2 THROUGH 5, SAID EAST LINE COINCIDES WITH THE WEST RIGHT-OF-WAY LINE OF 6TH AVENUE AS IT IS PRESENTLY ESTABLISHED, TO THE NE CORNER OF SAID LOT 2; THENCE N89°56'17"E, 2.50 FEET TO A POINT THAT IS 2.50 FEET EAST OF SAID WEST RIGHT-OF-WAY LINE; THENCE S00°03'43"E, 199.97 FEET ALONG A LINE THAT IS 2.50 FEET EAST OF AND PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE TO A POINT; THENCE S89°56'17"W, 2.50 FEET TO THE POINT OF BEGINNING CONTAINING 500 SQUARE FEET MORE OR LESS.

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:

A handwritten signature in cursive script, appearing to read 'M Moreno', is written over a horizontal line.

Mackenzie L. Moreno
Assistant City Attorney

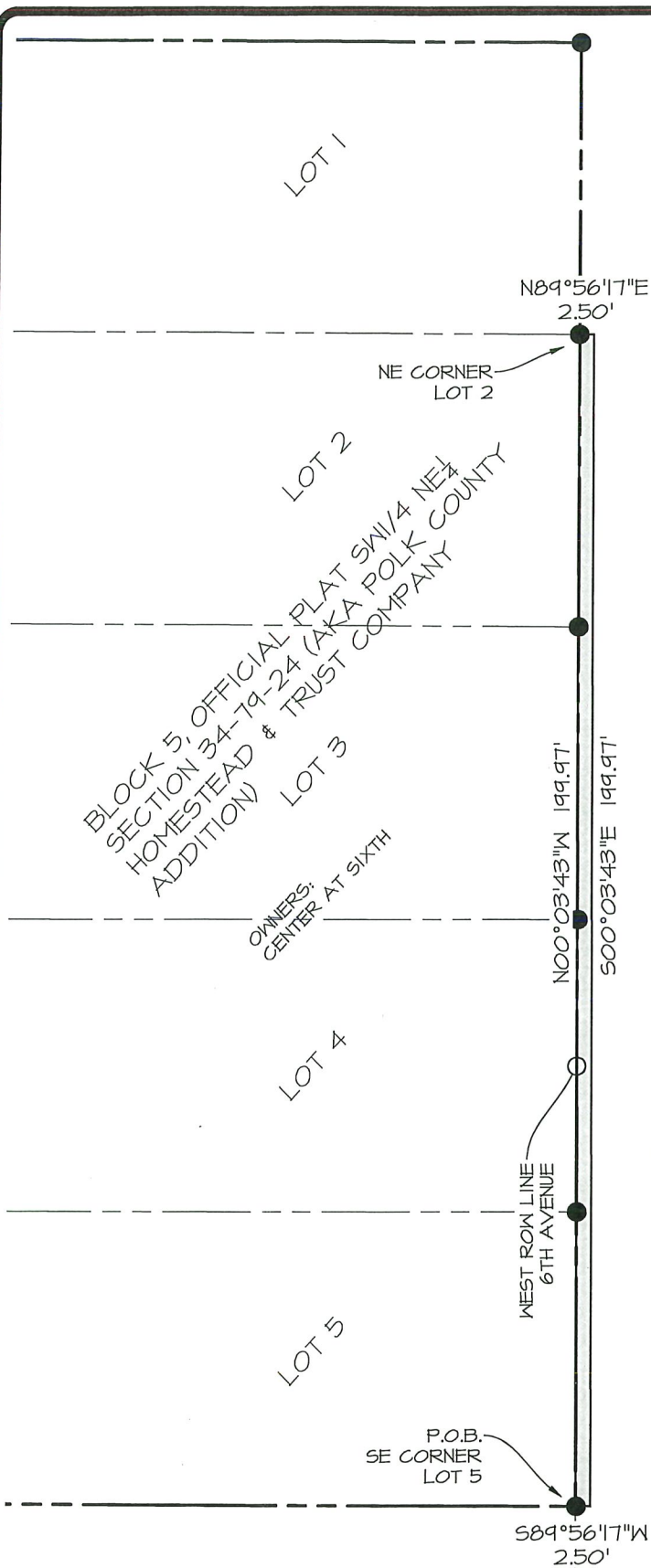
VACATION EXHIBIT DES MOINES, IOWA

PROPERTY ADDRESS: 1714 6TH AVENUE

LEGAL DESCRIPTION: VACATION

A VACATION OF PART OF THE 6TH AVENUE PUBLIC RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO LOTS 2 THROUGH 5, BLOCK 5 OF THE OFFICIAL PLAT OF THE SW1/4 NE1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (ALSO KNOWN AS POLK COUNTY HOMESTEAD AND TRUST COMPANY ADDITION), AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF SAID LOT 5; THENCE $N00^{\circ}03'43''W$, 199.97 FEET ALONG THE EAST LINE OF SAID LOTS 2 THROUGH 5, SAID EAST LINE COINCIDES WITH THE WEST RIGHT-OF-WAY LINE OF 6TH AVENUE AS IT IS PRESENTLY ESTABLISHED, TO THE NE CORNER OF SAID LOT 2; THENCE $N89^{\circ}56'17''E$, 2.50 FEET TO A POINT THAT IS 2.50 FEET EAST OF SAID WEST RIGHT-OF-WAY LINE; THENCE $S00^{\circ}03'43''E$, 199.97 FEET ALONG A LINE THAT IS 2.50 FEET EAST OF AND PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE TO A POINT; THENCE $S89^{\circ}56'17''W$, 2.50 FEET TO THE POINT OF BEGINNING CONTAINING 500 SQUARE FEET MORE OR LESS.



6TH AVENUE
(PUBLIC)

OWNERS:
CITY OF
DES MOINES

BLOCK 5, OFFICIAL PLAT SW1/4 NE1/4
SECTION 34-79-24 (AKA POLK COUNTY
HOMESTEAD & TRUST COMPANY
ADDITION)

OWNERS:
CENTER AT SIXTH

$N89^{\circ}56'17''E$
2.50'

NE CORNER
LOT 2

$N00^{\circ}03'43''W$ 199.97'
 $S00^{\circ}03'43''E$ 199.97'

WEST ROW LINE
6TH AVENUE

$S89^{\circ}56'17''W$
2.50'

P.O.B.
SE CORNER
LOT 5

EKS 12-6-23



Civil Engineering Consultants, Inc.

2400 86th Street . Unit 12 . Des Moines, Iowa 50322
515.276.4884 . Fax: 515.276.7084 . mail@ceclac.com

SCALE: 1"=30'



NORTH



SHEET

|

OF 1

E8949

DATE: December 6, 2023
DESIGNED BY: SJD
DRAWN BY: LJH