

ORDINANCE NO. 15,374

AN ORDINANCE vacating subsurface rights to a portion of Walnut Street and 8th Street rights-of-way adjoining 712 Walnut Street, which shall come to be known as 219 8th Street upon completion of construction of a new building.

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 a subsurface portion of Walnut Street and 8th Street rights-of-way adjoining 712 Walnut Street (219 8th Street), more specifically described as follows, be and is hereby vacated:

THE SW1/4 OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. THAT LIES DIRECTLY ADJACENT TO AND ADJOINING THE NORTH AND WEST LINES OF BLOCK 2, FORT DES MOINES, AN OFFICIAL PLAT RECORDED IN BOOK 'A', PAGE 3 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF SAID BLOCK 2; THENCE S15°06'33"E, 133.38 FEET ALONG THE WEST LINE OF SAID BLOCK TO POINT; THENCE S74°28'26"W, 0.30 FEET TO A POINT; THENCE N15°06'33"W, 18.18 FEET ALONG A LINE THAT IS 0.30 FEET WEST OF AND PARALLEL TO SAID WEST LINE TO A POINT; THENCE S74°53'27"W, 1.10 FEET TO A POINT; THENCE N15°06'33"W, 7.20 FEET ALONG A LINE THAT IS 1.40 FEET WEST OF AND PARALLEL TO SAID WEST LINE TO A POINT; THENCE N74°53'27"E, 0.80 FEET TO A POINT; THENCE N15°06'33"W, 22.25 FEET ALONG A LINE THAT IS 0.80 FEET WEST OF AND PARALLEL TO SAID WEST LINE TO A POINT; THENCE S74°53'27"W, 1.20 FEET TO A POINT; THENCE N15°06'33"W, 8.40 FEET ALONG A LINE THAT IS 1.80 FEET WEST OF AND PARALLEL TO SAID WEST LINE TO A POINT; THENCE N74°53'27"E, 1.60 FEET TO A POINT; THENCE N15°06'33"W, 69.85 FEET ALONG A LINE THAT IS 0.20 FEET WEST OF AND PARALLEL TO SAID WEST LINE TO A POINT; THENCE S74°53'27"W, 0.80 FEET TO A POINT; THENCE N15°06'33"W, 8.00 FEET ALONG A LINE THAT IS 1.00 FEET WEST OF AND PARALLEL TO SAID WEST LINE TO A POINT THAT IS 0.50 FEET NORTH OF THE NORTH LINE OF SAID BLOCK 2; THENCE N74°29'23"E, 8.00 FEET ALONG A LINE THAT IS 0.50 FEET NORTH OF AND PARALLEL TO SAID NORTH LINE TO A POINT; S15°30'37"E, 0.50 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 2; S74°29'23"W, 7.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 69 SQUARE FEET

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID BLOCK 2; THENCE N74°29'23"E, 20.38 FEET ALONG THE NORTH LINE OF SAID BLOCK 2 TO THE POINT OF BEGINNING; THENCE N15°30'37"W, 0.70 FEET TO A POINT; THENCE N74°29'23"E, 5.00 FEET ALONG A LINE THAT IS PARALLEL TO SAID NORTH LINE TO A POINT; THENCE S15°30'37"E, 0.70 FEET TO A POINT ON SAID NORTH LINE; THENCE S74°29'23"W, 5.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 3.5 SQUARE FEET

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID BLOCK 2; THENCE N74°29'23"E, 48.88 FEET ALONG THE NORTH LINE OF SAID BLOCK 2 TO THE POINT OF BEGINNING; THENCE N15°30'37"W, 0.40 FEET TO A POINT; THENCE N74°29'23"E, 8.00 FEET ALONG A LINE THAT IS PARALLEL TO SAID NORTH LINE TO A POINT; THENCE S15°30'37"E, 0.40 FEET TO A POINT ON SAID NORTH LINE; THENCE S74°29'23"W, 8.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 3.2 SQUARE FEET

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID BLOCK 2; THENCE N74°29'23"E, 78.88 FEET ALONG THE NORTH LINE OF SAID BLOCK 2 TO THE POINT OF BEGINNING; THENCE N15°30'37"W, 0.50 FEET TO A POINT; THENCE N74°29'23"E, 8.00 FEET ALONG A LINE THAT IS PARALLEL TO SAID NORTH LINE TO A POINT; THENCE S15°30'37"E, 0.50 FEET TO A POINT ON SAID NORTH LINE; THENCE S74°29'23"W, 8.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 4.0 SQUARE FEET

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID BLOCK 2; THENCE N74°29'23"E, 110.38 FEET ALONG THE NORTH LINE OF SAID BLOCK 2 TO THE POINT OF BEGINNING; THENCE N15°30'37"W, 0.80 FEET TO A POINT; THENCE N74°29'23"E, 5.00 FEET ALONG A LINE THAT IS PARALLEL TO SAID NORTH LINE TO A POINT; THENCE S15°30'37"E, 0.80 FEET TO A POINT ON SAID NORTH LINE; THENCE S74°29'23"W, 5.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 4.0 SQUARE FEET

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID BLOCK 2; THENCE N74°29'23"E, 128.88 FEET ALONG THE NORTH LINE OF SAID BLOCK 2 TO THE POINT OF BEGINNING; THENCE N15°30'37"W, 0.50 FEET TO A POINT; THENCE N74°29'23"E, 8.00 FEET ALONG A LINE THAT IS PARALLEL TO SAID NORTH LINE TO A POINT; THENCE S15°30'37"E, 0.50 FEET TO A POINT ON SAID NORTH LINE; THENCE S74°29'23"W, 8.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 4.0 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

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 15-0960), passed by the City Council of said City at a meeting held June 8, 2015 signed by the Mayor on June 8, 2015 and published and provided by law in the Business Record on June 26, 2015. Authorized by Publication Order No. 9193.

Diane Rauh, City Clerk