

ORDINANCE NO. 15,773

AN ORDINANCE vacating the portion of Elm Street, now known as West Martin Luther King Jr. Parkway right-of-way, located between vacated Southwest 4th Street and Southwest 5th Street and north of and adjoining 313 Southwest 5th 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 the portion of Elm Street, now known as West Martin Luther King Jr. Parkway right-of-way, located between vacated Southwest 4th Street and Southwest 5th Street and north of and adjoining 313 Southwest 5th Street, more specifically described as follows, be and is hereby vacated:

Beginning at the Northwest corner of Lot 3 in Factory Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence North 15°(degrees) 23'(minutes) 14"(seconds) West, 46.50 feet along the northerly extension of SW 5th Street; thence North 42°23'29" East, 49.46 feet; thence North 79°58'30" East, 181.00 feet to the Northwest corner of that part of West Martin Luther King Jr. Parkway previously vacated by City of Des Moines Ordinance No. 15,409 and described in that Quit Claim Deed filed in Book 15920 at Page 736 in the Office of the Recorder for Polk County, Iowa; thence South 15°23'34" East, 54.40 feet along the West line of said previously vacated part of West Martin Luther King Jr. Parkway to the Northeast corner of Lot 54 in Railroad Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence South 74°12'41" West, 222.06 feet along the North lines of said Lot 54 in Railroad Addition and Lot 3 in Factory Addition to the point of Beginning.

Containing 13,933 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:

Glenna K. Frank, 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. 19- 0745), passed by the City Council of said City at a meeting held May 6, 2019 signed by the Mayor on May 6, 2019 and published and provided by law in the Business Record on May 24, 2019. Authorized by Publication Order No. 10745.

Diane Rauh, City Clerk