

ORDINANCE NO. 14,103

AN ORDINANCE vacating a portion of Center Street between 3rd Street and 5th Avenue, and repealing Ordinance No. 13,989.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, the Polk County Board of Supervisors have requested that the public right-of-way herein described be vacated for incorporation into the site of the Iowa Events Center; and

WHEREAS, by Ordinance No. 13,989, passed September 10, 2001, after notice and public hearing, the City Council intended to vacate the right-of-way described below, but said Ordinance contains an error in the legal description; 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:

Section 1. That the Center Street right-of-way between 3rd Street and 5th Avenue, more specifically described as follows, is hereby vacated:

A part of Center Street right-of-way lying east of 5th Avenue and west of 3rd Street in Section 4, Township 78 North, Range 24 West of the 5th P.M., City of Des Moines, Polk County, Iowa and described as follows:

Beginning at the intersection of the North right-of-way line of said Center Street and East right-of-way line of said 5th Avenue; thence South 89°22'41" East along the North right-of-way line of said Center Street, 709.52 feet; thence southeasterly along a curve concave southwesterly whose radius is 463.50 feet, whose arc length is 55.58 feet and whose chord bears South 10°54'29" East, 55.55 feet; thence South 00°13'15" East, 13.58 feet to the South right-of-way line of said Center Street; thence North 89°22'55" West along said South right-of-way line, 272.39 feet to the East right-of-way line of 4th Street;

thence North 87°38'44" West
continuing along said South line,
66.06 feet to the West right-of-way
line of said 4th Street; thence North
89°22'55" West continuing along
said South right-of-way line, 381.57
feet; thence North 00°05'58" West,
66.06 feet to the Point of Beginning
and containing 1.10 acres (47,895
S.F.).

Sec. 2. That this vacation is made for a public purpose and all utilities with facilities within the vacated right-of-way described above are hereby ordered to promptly remove such facilities from such right-of-way.

Sec. 3. That Ordinance No. 13,989, passed September 10, 2001 is hereby repealed. This Ordinance is intended to replace Ordinance No. 13,989 which contains a minor error in the description of the right-of-way intended to be vacated.

Sec. 4. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof to be properly filed in the office of the Recorder of Polk County, Iowa.

Sec. 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Donna V. Boetel-Baker, 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. 02-1433), passed by the City Council of said City at a meeting held June 3, 2002 signed by the Mayor on June 3, 2002 and published as provided by law in the Business Record on June 17, 2002 Authorized by Publication Order No. 3289.

Donna V. Boetel-Baker, City Clerk