

ORDINANCE NO. 14,235

AN ORDINANCE vacating a portion of East Court Avenue right-of-way, in the vicinity of 601 East Court Avenue, and repealing Ordinance No. 14,037.

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

WHEREAS, by Ordinance No. 14,037, passed December 3, 2001, after notice and public hearing, the City Council intended to vacate the right-of-way described below, but said Ordinance contains and 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 a portion of East Court Avenue right-of-way, in the vicinity of 601 East Court Avenue, be and is hereby vacated:

The South 5.00 feet of the East Court Avenue Right-of-Way as it is presently established, lying North of and adjoining the North line of Parcel "A" and Parcel "B", as indicated on a plat of survey Recorded at Book 8713, Page 1000 at the Polk County Recorder's Office, in Block 14, Town of De Moine, an Official Plat all now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Beginning at the Northwest corner of Parcel "A", said point being the Northwest corner of Lot 1, in said Block 14, said point also being on the South Right-of-Way line of said East Court Avenue, Thence North 14°(degrees) 57'(minutes) 46"(seconds) West along the Northerly extension of the West line of said Parcel "A", a distance of 5.00 feet; Thence North 75°00'00" East parallel with and 5.00 feet North of the North line of said Parcels "A" and "B", a distance of 126.00 feet to a point on the Northerly extension of the East line of said Parcel "B"; Thence S14°57'46" East along the Northerly extension of the East line of said Parcel "B", a distance of 5.00 feet to the Northeast corner of said Parcel "B", said point being the Northeast corner of the West 20.00 feet of Lot 3, in said Block 14, said point also being on the South Right-of-Way line of said East Court Avenue; Thence S75°00'00" West along the North line of said Parcels "B" and "A", said line being the North line of the West 20.00 feet of said Lot 3, the North line of Lot 2, in said

Block 14, and the North line of said Lot 1, said line also being the South Right-of-Way line of said East Court Avenue, a distance of 126.00 feet to the Point of Beginning. Said tract of land being subject to and together with any and all easements of record. Said tract of land contains 630 square feet more or less.

Sec. 2. That this vacation is made subject to all easements or utilities now in place with the right of entry for servicing same.

Sec. 3. That Ordinance No. 14,037, passed December 3, 2001 is hereby repealed. This Ordinance is intended to replace Ordinance No. 14,037 which contains an error in the legal description of the right-of-way intended to be vacated.

Sec. 4. That the City Clerk is hereby authorized and directed to cause a certified copy 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. 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato, Assistant City Attorney

Preston A. Daniels, 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. 03-1074), passed by the City Council of said City at a meeting held May 5, 2003 signed by the Mayor on May 5, 2003 and published as provided by law in the Business Record on May 19, 2003 Authorized by Publication Order No. 3590.

Diane Rauh, City Clerk