

ORDINANCE NO. 14,599

AN ORDINANCE vacating a portion of Maryland Pike right-of-way in the vicinity of 2300 Beaver 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:

Section 1. That a portion of Maryland Pike right-of-way in the vicinity of 2300 Beaver Avenue, more specifically described as follows, be and is hereby vacated.

All that part of Lot A, Maryland Park, an Official Plat, as recorded in Book G, Page 81, at the Polk County Recorder's Office, that lies within the following described lines, lying North of and adjoining to Lot 1, Block B, of said Maryland Park:

Beginning at the Northerly corner of said Lot 1, Maryland Park; thence North $41^{\circ}24'36''$ East, 11.00 feet; thence South $55^{\circ}57'23''$ East, 106.26 feet to the beginning of a curve tangent to said line; thence Southeasterly along a 14.22 foot radius curve concave Southwest with a central angle of $57^{\circ}30'46''$, a chord distance of 13.68 feet with a chord bearing of South $27^{\circ}12'00''$ East, for an arc length of 14.27 feet; thence South $01^{\circ}32'45''$ West, 39.69 feet to a point of cusp on a curve concave to the Southwest having a radius of 73.15 feet and a central angle of $17^{\circ}06'31''$ and being subtended by a chord which bears North $37^{\circ}11'10''$ West 21.76 feet; thence Northwesterly along said curve, 21.84 feet; thence North $45^{\circ}22'26''$ West non-tangent to said curve, 97.31 feet to the beginning of a curve concave to the Southwest having a radius of 766.73 feet and a central angle of $1^{\circ}52'31''$ and being subtended by a chord which bears North $46^{\circ}09'49''$ West, 25.09 feet; thence Northwesterly along said curve, 25.09 feet to the Point of Beginning. Containing 0.07 ACRES (2641 sq. ft.), more or less.

And

That portion of said Lot A, (Maryland Pike), lying South of a line being on the northerly extension of the East line of Lot 35, of said Maryland Park, 11.0 feet, thence northwesterly along a line to the Northwest corner of said Lot 35 to the point of terminus, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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:

Ann DiDonato, 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. 06-2122), passed by the City Council of said City at a meeting held October 23, 2006 and signed by the Mayor on October 23, 2006 and published as provided by law in the Business Record on November 6, 2006 Authorized by Publication Order No. 5408.

Diane Rauh, City Clerk