

ORDINANCE NO. 15,019

AN ORDINANCE vacating a portion of the Scott Avenue right-of-way extending east from the east line of SE 20th Street and a portion of the SE 20th Street right-of-way extending north from the north line of Scott 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 the Scott Avenue right-of-way extending east from the east line of SE 20th Street, more specifically described as follows, be and is hereby vacated effective immediately:

BEGINNING AT A FOUND 3/4" GAS PIPE WITH CAP #3169, AT THE NW CORNER OF LOT 57 OF BROOKS AND COMPANY'S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AS RECORDED IN BOOK "A", PAGE 59 OF THE POLK COUNTY RECORDERS OFFICE, SAID CORNER BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SCOTT AVENUE AS PRESENTLY ESTABLISHED; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF SCOTT AVENUE AS PRESENTLY ESTABLISHED, SOUTH 89°48'59" EAST, A DISTANCE OF 836.15 FEET TO A FOUND 5/8" IRON ROD AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SCOTT AVENUE AND THE WEST RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD AS PRESENTLY ESTABLISHED; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, NORTH 13°41'12" WEST, A DISTANCE OF 82.03 FEET TO A FOUND 3/4" GAS PIPE WITH CAP #3169 AT THE INTERSECTION OF SAID WEST RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD AND THE NORTH RIGHT-OF-WAY LINE OF SCOTT AVENUE AS PRESENTLY ESTABLISHED; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF SCOTT AVENUE AS PRESENTLY ESTABLISHED, NORTH 89°47'25" WEST, A DISTANCE OF 816.83 FEET TO A FOUND 5/8" IRON ROD AT THE INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE OF SCOTT AVENUE AND THE EAST RIGHT-OF-WAY LINE OF SE 20TH STREET AS PRESENTLY ESTABLISHED, SAID POINT ALSO BEING THE SW CORNER OF LOT 42 OF BROOKS AND COMPANY'S ADDITION TO THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF SE

20TH STREET AS PRESENTLY ESTABLISHED, SOUTH 00°03'49" EAST A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING, CONTAINING 65,976 SQ. FT. OR 1.51 ACRES OF LAND.

Sec. 2. That a portion of the SE 20th Street right-of-way extending north from the north line of Scott Avenue, more specifically described as follows, be and is hereby vacated, to be effective upon the earlier of May 1, 2014, or the conveyance of such right-of-way to Kemin Industries, Inc., or its designee:

-- EXCEPT THAT PORTION VACATED BY CITY OF DES MOINES ORDINANCE NO. 11,684 PASSED JUNE 17, 1991--- ALL THAT PART OF SOUTHEAST 20TH STREET LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF SCOTT AVENUE AND SOUTH OF A LINE EXTENDING FROM A POINT ON THE WEST LINE OF THE VACATED EAST 15.0 FEET OF SAID SOUTHEAST 20TH STREET (CITY OF DES MOINES ORDINANCE NO. 11,684) WHICH IS 317.03 FEET NORTH OF THE NORTH RIGHT-OF-WAY LINE OF THE FORMER CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTHEAST 20TH STREET WHICH IS 296.20 FEET NORTH OF THE NORTH RIGHT-OF-WAY LINE OF SAID RAILROAD, ALL NOW BEING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Sec. 3. That the City Clerk is hereby authorized and directed to cause a 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:

Roger K. Brown, 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. 11-0925), passed by the City Council of said City at a meeting held May 23, 2011 signed by the Mayor on May 23, 2011 and published as provided by law in the Business Record on June 10, 2011. Authorized by Publication Order No. 7480.

Diane Rauh, City Clerk