

ORDINANCE NO. 15,078

AN ORDINANCE vacating Broad Street between Indianola Avenue and S.E. 8th 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 Broad Street between Indianola Avenue and S.E. 8th Street, more specifically described as follows, be and is hereby vacated.

A PARCEL OF LAND IN JEFFERSON HEIGHTS REPLAT, AN OFFICIAL PLAT RECORDED IN BOOK 'H', PAGE 119 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF LOT 2 OF SAID JEFFERSON HEIGHTS REPLAT, SAID NE CORNER ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF E. BROAD STREET AS IT IS PRESENTLY ESTABLISHED; THENCE N74°10'10"W, 175.87 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE NW CORNER OF LOT 1 OF SAID JEFFERSON HEIGHTS REPLAT; THENCE S00°20'14"W, 10.41 FEET ALONG THE WEST LINE OF SAID LOT 1 TO A POINT ON THE SAID WEST LINE OF LOT 1; THENCE N50°00'31"W, 294.28 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1008.50 FEET AND A CHORD BEARING OF N52°11'44"W, AN ARC LENGTH OF 76.99 FEET TO A POINT ON THE SOUTH LINE OF LOT 5, SOUTHERN MEADOWS PLAT TWO, AN OFFICIAL PLAT RECORDED IN BOOK 8494, PAGE 882-894 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE S60°41'23"E, 57.16 FEET TO THE SE CORNER OF SAID LOT 5, SAID SE CORNER ALSO BEING THE SW CORNER OF SOUTHERN MEADOWS, AN OFFICIAL PLAT RECORDED IN BOOK 7215, PAGE 550-557 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE S60°50'32"E, 261.83 FEET ALONG THE SOUTH LINE OF SAID SOUTHERN MEADOWS TO A POINT; THENCE S73°40'43"E, 184.89 FEET ALONG SAID SOUTH LINE TO THE SE CORNER OF LOT 6 OF SAID SOUTHERN MEADOWS, SAID SE CORNER ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF SE 8TH STREET AS IT IS PRESENTLY ESTABLISHED; THENCE S00°20'14"W, 66.37 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING AND CONTAINING 0.501 ACRES (21,854 S.F.).

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. The effective date of this ordinance shall be the later of conveyance to Hatch Development Group, L.L.C. or December 31, 2012.

FORM APPROVED:

Michael F. Kelley, 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. 12-0124), passed by the City Council of said City at a meeting held January 23, 2012 signed by the Mayor on January 23, 2012 and published as provided by law in the Business Record on February 10, 2012. Authorized by Publication Order No. 7786.

Diane Rauh, City Clerk