

ORDINANCE NO. 15,099

AN ORDINANCE vacating Southeast 19<sup>th</sup> Street from a point approximately 97 feet south of Raccoon Street to Scott Avenue, and Southeast 19<sup>th</sup> Street from East Market Street to a point approximately 78 feet north of Raccoon 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 Southeast 19<sup>th</sup> Street from a point approximately 97 feet south of Raccoon Street to Scott Avenue, and Southeast 19<sup>th</sup> Street from East Market Street to a point approximately 78 feet north of Raccoon Street, more specifically described as follows, be and is hereby vacated.

A PORTION OF SE 19TH STREET RIGHT OF WAY ADJOINING AND LYING WEST OF A PORTION OF LOT 38, BROOKS AND CO'S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 38; THENCE SOUTH 00° (DEGREES) 05' (MINUTES) 41" (SECONDS) EAST, 448.09 FEET ON THE EAST RIGHT OF WAY LINE OF SE 19TH STREET; THENCE SOUTH 88°20'31" WEST, 80.03 FEET TO THE WEST RIGHT OF WAY LINE OF SE 19TH STREET; THENCE NORTH 00°05'41" WEST, 450.91 FEET ON SAID WEST RIGHT OF WAY LINE; THENCE SOUTH 89°38'16" EAST, 80.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.83 ACRES MORE OR LESS;

AND

A PORTION OF SE 19TH STREET RIGHT-OF-WAY AS PRESENTLY ESTABLISHED AND LYING EAST OF AND ADJOINING LOTS 45 THROUGH 53, CHARTER OAK ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND THE FORMER CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF LOT 53, SAID CHARTER OAK ADDITION, SAID POINT ALSO ON THE WEST R.O.W. LINE OF SE 19TH STREET AS PRESENTLY ESTABLISHED; THENCE N.00°05'02"W., A DISTANCE OF 340.05 FEET ALONG SAID WEST R.O.W. OF SE 19TH STREET TO THE NORTH FORMER R.O.W. LINE OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD; THENCE N.00°10'58"W., A DISTANCE OF 120.09 FEET ALONG SAID WEST R.O.W. OF SE 19TH STREET; THENCE S.87°20'20"E., A DISTANCE OF 80.05 FEET TO A POINT ON THE EAST R.O.W. OF SE 19TH STREET; THENCE S.00°05'02"E., A DISTANCE OF 456.63 FEET ALONG SAID EAST R.O.W. LINE OF SE 19TH STREET TO THE NORTH R.O.W. LINE OF SCOTT STREET (AVENUE); THENCE N89°51'12"W., A DISTANCE OF 79.76 FEET ALONG SAID NORTH R.O.W. LINE OF SCOTT STREET (AVENUE) TO THE POINT OF BEGINNING. CONTAINING 36606 SQUARE FEET OR 0.840 ACRES MORE OR LESS AND SUBJECT TO ALL EASEMENTS OF RECORD.

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:

Glenna K. Frank, 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. 12-0558), passed by the City Council of said City at a meeting held April 9, 2012 signed by the Mayor on April 9, 2012 and published as provided by law in the Business Record on April 27, 2012. Authorized by Publication Order No. 7907.

Diane Rauh, City Clerk