

ORDINANCE NO. 15,485

AN ORDINANCE vacating portions of East Washington Street, East 42<sup>nd</sup> Street and Williams Court right-of-way in the vicinity of 1628 East 42<sup>nd</sup> 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 portions of East Washington Street, East 42<sup>nd</sup> Street and Williams Court right-of-way in the vicinity of 1628 East 42<sup>nd</sup> Street, more specifically described as follows, be and is hereby vacated:

THE EAST 299 FEET OF THE NORTH 5 FEET OF LOT 1, BROADACRE, AN OFFICIAL PLAT; AND

THE EAST 299 FEET OF LOT A OF SAID BROADACRE; AND

-EXCEPT THE WEST 10 FEET-, ALL THAT PART OF THE EAST WASHINGTON AVENUE RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 58 AND 59, ELMWOOD PARK, AN OFFICIAL PLAT;

AND

ALL THAT PART OF THE EAST WASHINGTON AVENUE RIGHT OF WAY LYING BETWEEN THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 58 AND THE EAST LINE OF SAID ELMWOOD PARK;

AND

ALL THAT PART OF THE EAST 42ND STREET RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 13 THROUGH 58, ALL IN SAID ELMWOOD PARK;

AND

ALL OF THE WEST 40 FEET OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., LYING BETWEEN THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 13 OF ELMWOOD PARK AND THE SOUTH LINE OF SAID NORTHEAST QUARTER (NE1/4);

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

A PART OF THE EAST 42ND STREET RIGHT OF WAY LYING IN A PART OF LOTS 9 THRU 12, ELMWOOD PARK, AN OFFICIAL PLAT AND IN SECTION 33, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 45 OF SAID ELMWOOD PARK; THENCE NORTH 0°(DEGREES) 07'(MINUTES) 38"(SECONDS) EAST, 724.10 FEET TO THE SOUTHEAST CORNER OF SAID LOT 12 AND ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 89°58'16" WEST ALONG THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 54.25 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 430.00 FEET, WHOSE ARC LENGTH IS 310.88 FEET AND WHOSE CHORD BEARS NORTH 22°10'02" EAST, 304.16 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION; THENCE NORTH 89°47'45" EAST ALONG SAID NORTH LINE, 10.12 FEET TO A POINT 40.00 FEET EAST OF AND PERPENDICULAR TO THE WEST LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 0°07'38" WEST ALONG A LINE 40.00 FEET EAST OF AND PARALLEL TO SAID WEST LINE, 281.65 FEET TO THE POINT OF INTERSECTION WITH THE PROJECTED SOUTH LINE OF SAID LOT 12; THENCE SOUTH 89°58'16" WEST, 70.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.30 ACRES (13248 SQ. FT.);

AND

A PART OF THE WILLIAMS COURT RIGHT OF WAY LYING IN LOTS 99 AND 100, ELMWOOD PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 45 OF SAID ELMWOOD PARK; THENCE NORTH 0°(DEGREES) 07'(MINUTES) 38"(SECONDS) EAST, 592.38 FEET TO THE SOUTHEAST CORNER OF LOT 18 OF SAID ELMWOOD PARK; THENCE SOUTH 89°57'32" WEST ALONG THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 139.82 FEET TO THE SOUTHEAST CORNER OF SAID LOT 99 AND ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°57'32" WEST ALONG THE SOUTH LINE OF SAID LOT 99, A DISTANCE OF 43.89 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 370.00 FEET, WHOSE ARC LENGTH IS 32.96 FEET AND WHOSE CHORD BEARS NORTH 42°32'56" EAST, 32.95 FEET; THENCE NORTH 45°06'04" EAST, 27.83 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 100; THENCE NORTH 89°57'47" EAST ALONG THE NORTH LINE OF SAID LOT 100, A DISTANCE OF 2.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 100; THENCE SOUTH 0°08'20" WEST, 43.89 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (1036 SQ. FT.).

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:

Lisa A. Wieland, 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. 16-1144), passed by the City Council of said City at a meeting held July 11, 2016 signed by the Mayor on July 11, 2016 and published and provided by law in the Business Record on July 29, 2016. Authorized by Publication Order No. 9566.

Diane Rauh, City Clerk