

ORDINANCE NO. 16,339

AN ORDINANCE vacating a portion of the cemetery located southwest and interior to the intersection of 48th Street and Franklin 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:

Sec. 1. That portion of the cemetery located southwest and interior to the intersection of 48th Street and Franklin Avenue, more specifically described as follows, be and is hereby vacated:

PARCEL 2023-203

AN IRREGULAR SHAPED PORTION OF LOT 6 AND LOT 11 IN FRANKLIN PLAZA, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE N89°50'49"W ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 131.60 FEET; THENCE N00°35'37"E, A DISTANCE OF 88.00 FEET; THENCE N89°50'49"W, A DISTANCE OF 509.62 FEET; THENCE N00°15'57"W, A DISTANCE OF 327.03 FEET TO THE NORTH LINE OF SAID LOT 11; THENCE S89°33'55"E ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 80.87 FEET TO THE SOUTHWEST CORNER OF LOT 10 IN SAID FRANKLIN PLAZA; THENCE S89°43'25"E ALONG THE SOUTH LINE OF LOTS 10 AND 9 IN SAID FRANKLIN PLAZA, A DISTANCE OF 227.96 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE N89°57'30"E ALONG THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 329.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE S00°33'08"E ALONG THE EAST LINE OF SAID LOT 6, A DISTANCE OF 415.29 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 5.05 ACRES 220,085 SQUARE FEET)

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: Mackenzie L. Moreno, Assistant City Attorney

Connie Boesen, Mayor

Attest: I, Laura Baumgartner, 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. 24-0436), passed by the City Council of said City at the meeting held on March 18, 2024 and signed by the Mayor on March 18, 2024 and published and provided by law in the Business Record on April 5, 2024. Authorized by Publication Order No. 12618.

Laura Baumgartner, City Clerk