

ORDINANCE NO. 16,431

AN ORDINANCE vacating surface rights in portions of Indianola Avenue and E. Hillside Avenue right-of-way adjoining 1961 Indianola 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 portions of Indianola Avenue and E. Hillside Avenue right-of-way adjoining 1961 Indianola Avenue, more specifically described as follows, be and is hereby vacated:

VACATION AREA "A":

A 5.00 FOOT WIDE EASEMENT OVER AND ACROSS A PORTION OF THE E. HILLSIDE AVENUE RIGHT OF WAY NORTH OF AND ADJACENT TO LOT 20, OFFICIAL PLAT OF THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES ,POLK COUNTY, IOWA, DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF E. HILLSIDE AVENUE WITH THE EAST RIGHT OF WAY LINE OF INDIANOLA AVENUE; THENCE S89°38'36"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 79.45 FEET TO THE POINT OF BEGINNING; THENCE N00°21'24"E, A DISTANCE OF 5.00 FEET; THENCE S89°38'36"E, A DISTANCE OF 5.00 FEET; THENCE S00°21'24"W, A DISTANCE OF 5.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID E. HILLSIDE AVENUE; THENCE N89°38'36"W ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 25.0 SQUARE FEET.

VACATION AREA "B":

A 5.00 FOOT WIDE EASEMENT OVER AND ACROSS A PORTION OF THE E. HILLSIDE AVENUE RIGHT OF WAY NORTH OF AND ADJACENT TO LOT 20, OFFICIAL PLAT OF THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES ,POLK COUNTY, IOWA, DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF E. HILLSIDE AVENUE WITH THE EAST RIGHT OF WAY LINE OF INDIANOLA AVENUE; THENCE S89°38'36"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 121.45 FEET TO THE POINT OF BEGINNING; THENCE N00°21'24"E, A DISTANCE OF 5.00 FEET; THENCE S89°38'36"E, A DISTANCE OF 5.00 FEET; THENCE S00°21'24"W, A DISTANCE OF 5.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID E. HILLSIDE AVENUE; THENCE N89°38'36"W ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 25.0 SQUARE FEET.

VACATION AREA "C":

A 5.00 FOOT WIDE EASEMENT OVER AND ACROSS A PORTION OF THE INDIANOLA AVENUE RIGHT OF WAY WEST OF AND ADJACENT TO LOT 20, OFFICIAL PLAT OF THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES ,POLK COUNTY, IOWA, DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF E. HILLSIDE AVENUE WITH THE EAST RIGHT OF WAY LINE OF INDIANOLA AVENUE; THENCE SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE AND ALONG A 793.94 FOOT RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 27.16 FEET TO THE POINT OF BEGINNING, SAID CURVE HAVING A CHORD BEARING OF S10°00'22"E AND A CHORD LENGTH OF 27.16 FEET; THENCE CONTINUING SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE AND ALONG A 793.94 FOOT RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 5.00 FEET, SAID CURVE HAVING A CHORD BEARING OF S08°50'44"E AND A CHORD LENGTH OF 5.00 FEET; THENCE S81°09'16"W, A DISTANCE OF 5.00 FEET; THENCE N08°50'44"W, A DISTANCE OF 5.00 FEET; THENCE N81°09'16"E, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 25.0 SQUARE FEET.

VACATION AREA "D":

A 5.00 FOOT WIDE EASEMENT OVER AND ACROSS A PORTION OF THE INDIANOLA AVENUE RIGHT OF WAY WEST OF AND ADJACENT TO LOT 20, OFFICIAL PLAT OF THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES ,POLK COUNTY, IOWA, DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF E. HILLSIDE AVENUE WITH THE EAST RIGHT OF WAY LINE OF INDIANOLA AVENUE; THENCE SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE AND ALONG A 793.94 FOOT RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 68.37 FEET TO THE POINT OF BEGINNING, SAID CURVE HAVING A CHORD BEARING OF S08°31'08"E AND A CHORD LENGTH OF 68.35 FEET; THENCE CONTINUING SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE AND ALONG A 793.94 FOOT RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 5.00 FEET, SAID CURVE HAVING A CHORD BEARING OF S05°52'18"E AND A CHORD LENGTH OF 5.00 FEET; THENCE S84°07'42"W, A DISTANCE OF 5.00 FEET; THENCE N05°52'18"W, A DISTANCE OF 5.00 FEET; THENCE N84°07'42"E, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 25.0 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: Chas M. Cahill, 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. 25-0209), passed by the City Council of said City at the meeting held on February 10, 2025 and signed by the Mayor on February 10, 2025 and published and provided by law in the Business Record on February 28, 2025. Authorized by Publication Order No. 12916.

Laura Baumgartner, City Clerk