

★ **Roll Call Number**

**Agenda Item Number**

55 A

Date April 26, 2010

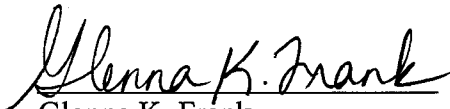
An Ordinance entitled, "AN ORDINANCE vacating a portion of excess land South of Buchanan Street and West of Pennsylvania Avenue",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

  
Glenna K. Frank  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED  
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50320 (515) 283-4130

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE vacating a portion of excess land South of Buchanan Street and West of Pennsylvania 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:

Section 1. That a portion of excess land South of Buchanan Street and West of Pennsylvania Avenue, more specifically described as follows, be and is hereby vacated.

That part of Lots 9, 10, and 11 of MARY T SMITH'S SUBDIVISION, of Lot 7 of Dean's Subdivision of Out Lots, an Official Plat, lying South of the easterly extension of the south right-of-way line of Buchanan Street, as presently established, all in Section 3, Township 78 North, Range 24 West of the Fifth Principal Meridian, all now included in and forming a part of the City of Des Moines, Polk County, Iowa and more particularly described as follows:

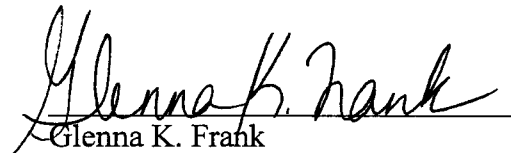
Beginning at the southeast corner of the acquisition plat for the south right-of-way of Buchanan Street recorded in Book 9092, Page 94; thence easterly along the southerly line of said acquisition plat extended 12.0 feet; thence southeasterly to a point on the south lot line of said Lot 9, being 102.0 feet east of the west lot line of said Lot 9; thence southwesterly to a point 55.0 feet east of the west lot line of said Lot 11, said point being 10.0 feet north of the south lot line of said Lot 11; thence westerly 30.0 feet parallel with the south lot line of said Lot 11 to a point 25.0 feet east of the west lot line of said Lot 11; thence northeasterly 123.68 feet to the point of beginning.

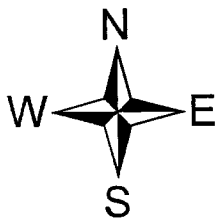
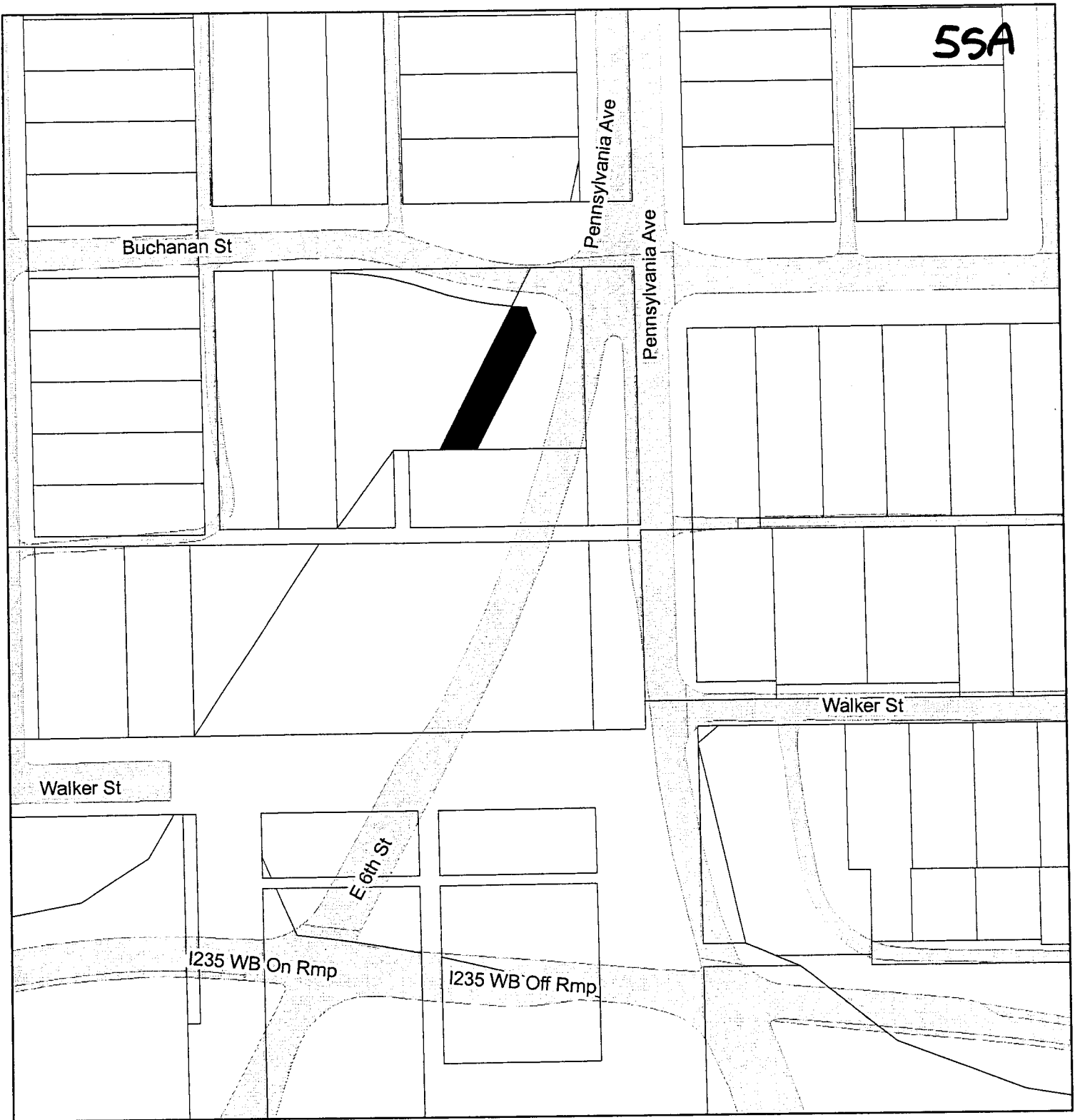
Sec. 2. The City of Des Moines hereby reserves an easement upon the property described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

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



**Legend**

 PROJECT LOCATION

**VACATION AND CONVEYANCE OF SMALL  
SEGMENT OF STREET RIGHT-OF-WAY LYING  
SOUTH OF BUCHANAN STREET AND WEST  
OF PENNSYLVANIA AVENUE**