

★ **Roll Call Number**

Agenda Item Number

**47A**

Date May 22, 2006

An Ordinance entitled, "AN ORDINANCE vacating a portion of Birdland Park along the Des Moines River",

presented.

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

FORM APPROVED:

(First of three required readings)

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
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: Ann DiDonato, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50320 (515) 283-4130

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

AN ORDINANCE vacating a portion of Birdland Park along the Des Moines River.

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 Birdland Park along the Des Moines River, more specifically described as follows, be and is hereby vacated.

Part of the Northeast  $\frac{1}{4}$  of Section 34, Township 79 North, Range 24 West of the 5<sup>th</sup> P.M., more particularly described as follows: Commencing at a point of reference at the northeast corner of the Northeast  $\frac{1}{4}$  of said section 34; thence South  $0^{\circ}$  (degrees)  $18'$  (minutes)  $26''$  (seconds) East along the East line of said Northeast  $\frac{1}{4}$ , 341.65 feet; thence south  $89^{\circ} 41' 34''$  west, 746.40 feet to the point of beginning; thence south  $4^{\circ} 20' 49''$  West, 139.04 feet to the North Bank of the Des Moines River; thence North  $77^{\circ} 16' 58''$  West along said North Bank, 365.94 feet; thence North  $24^{\circ} 54' 20''$  East, 132.84 feet; thence South  $78^{\circ} 40' 25''$  East, 317.75 feet to the point of beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa and containing 1.05 acres.

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.

47A

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

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