

★ **Roll Call Number**

Agenda Item Number

46

Date May 9, 2011

An Ordinance entitled, "AN ORDINANCE vacating parkland known as "A.H. Blank Park Zoo" located at 7401 S.W. 9th Street and "A.H. Blank Park" located at 7011 S.W. 9th Street, Des Moines, Iowa",

which was considered and voted upon under Roll Call No. 11- 0711 of April 25, 2011; again presented.

Moved by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

(Council Communication No. 11-265)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| GRIESS | | | | |
| HENSLEY | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| MOORE | | | | |
| TOTAL | | | | |
| MOTION CARRIED | | | APPROVED | |
| _____ Mayor | | | | |

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.

_____ City Clerk

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

ORDINANCE NO. _____

AN ORDINANCE vacating parkland known as “A.H. Blank Park Zoo” located at 7401 S.W. 9th Street and “A.H. Blank Park” located at 7011 S.W. 9th Street, Des Moines, Iowa.

WHEREAS, all prior requirements of law pertaining to the vacation of public parkland have been fully observed; and

WHEREAS, it is desirable that the parkland herein described be vacated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That parkland known as “A.H. Blank Park Zoo” located at 7401 S.W. 9th Street and “A.H. Blank Park” located at 7011 S.W. 9th Street, Des Moines, Iowa, more specifically described as follows, be and is hereby vacated.

THAT PART OF THE NORTHEAST ¼ AND THAT PART OF THE SOUTHEAST ¼ OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND THE WEST 632.0 FEET OF THE NORTHEAST ¼ OF SAID SECTION 33, (EXCEPT THE NORTH 1420.0 FEET OF THE NORTHEAST ¼), AND THE SOUTHEAST ¼ OF SAID SECTION 33 (EXCEPT THE SOUTH 40 ACRES OF THE EAST 60 ACRES OF SAID SOUTHEAST ¼), AND FURTHER DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 33; THENCE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST ¼, A DISTANCE OF 33.0 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET; THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET 1204.0 FEET TO THE POINT OF BEGINNING; THENCE EAST 599.0 FEET; THENCE SOUTH ALONG A LINE 599.0 FEET EAST OF AND PARALLEL WITH THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET TO A POINT APPROXIMATELY 623.00 FEET SOUTH TO THE NORTHWEST CORNER OF PARCEL “A” AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 8041 PAGE 37; THENCE EAST ON THE NORTH PARCEL LINE OF SAID PARCEL “A” TO THE NORTHEAST CORNER OF SAID PARCEL “A”; THENCE SOUTH ALONG THE EAST PARCEL LINE OF PARCEL “A” TO THE SOUTH LINE OF

THE EAST-WEST RODGERS ROAD AS CURRENTLY ESTABLISHED; THENCE WEST TO THE EASTLINE OF THE NORTH-SOUTH CARTER STREET AS CURRENTLY ESTABLISHED; THENCE SOUTH-SOUTHEAST ALONG THE EAST LINE OF CARTER STREET TO A POINT 65 FEET NORTH OF THE SOUTH PARCEL LINE AND 300 FEET WEST OF THE EAST PARCEL LINE; THENCE SOUTHWESTERLY TO A POINT APPROXIMATELY 375 FEET WEST OF THE EAST PARCEL LINE ON THE SOUTH PARCEL LINE TO THE CORNER POST OF THE EXISTING NORTHERN BLANK GOLF COURSE FENCE; THENCE FOLLOWING SAID FENCE TO THE WEST-SOUTHWEST TO A POINT 500 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF SE 9TH STREET; THENCE SOUTHWESTERLY 320.0 FEET TO A POINT 290.0 FEET SOUTH OF MASON AVENUE RIGHT OF WAY LINE EXTENDED; THENCE WESTERLY 320.0 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET; THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET 1,970.0 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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:



Ann DiDonato

Assistant City Attorney