

★ **Roll Call Number**

Agenda Item Number

54A

Date May 9, 2011

An Ordinance entitled, "AN ORDINANCE vacating an irregular shaped segment of Grand Avenue right-of-way at its intersection with Fleur Drive, directly adjoining 1800 Grand 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
 Glenna K. Frank
 Assistant City Attorney

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

54A

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4530

ORDINANCE NO. _____

AN ORDINANCE vacating an irregular shaped segment of Grand Avenue right-of-way at its intersection with Fleur Drive, directly adjoining 1800 Grand 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 an irregular shaped segment of Grand Avenue right-of-way at its intersection with Fleur Drive, directly adjoining 1800 Grand Avenue, more specifically described as follows, be and is hereby vacated.

AN IRREGULARLY SHAPED PORTION OF GRAND AVENUE STREET RIGHT-OF-WAY LOCATED IN LOT 2 IN THE OFFICIAL PLAT OF THE NE1/4 OF SEC 8 T78 R24 NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE AS IT IS PRESENTLY ESTABLISHED, SAID POINT BEING 331.40 FEET WEST AND 7.00 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 2 IN THE OFFICIAL PLAT OF THE NE1/4 OF SEC 8 T78 R24 NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SAID POINT BEING 177.07 FEET EAST AND 7.00 FEET SOUTH OF THE NORTHEAST CORNER OF PARCEL B IN SAID LOT 2 RECORDED IN POLK COUNTY RECORDER BOOK 7746 ON PAGE 98; THENCE, N00°00'00"E A DISTANCE OF 7.00 FEET TO THE NORTH LINE OF SAID LOT 2; THENCE, N90°00'00"E ALONG THE NORTH LINE OF SAID LOT 2 (ASSUMED BEARING OF THE NORTH LINE OF SAID LOT 2 FOR THE PURPOSE OF THIS PLAT OF SURVEY) A DISTANCE OF 61.73 FEET; THENCE, S88°50'12"E A DISTANCE OF 40.30 FEET; THENCE, SOUTHEASTERLY ALONG A 225.00 FOOT RADIUS

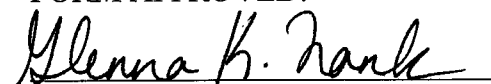
CURVE, CONCAVE SOUTHWESTERLY A DISTANCE OF 139.74 FEET, SAID CURVE HAVING A CHORD BEARING OF S71°02'41"E AND A CHORD LENGTH OF 137.50 FEET; THENCE, SOUTHEASTERLY ALONG A 299.89 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY A DISTANCE OF 14.58 FEET, SAID CURVE HAVING A CHORD BEARING OF S51°51'37"E AND A CHORD LENGTH OF 14.57 FEET; THENCE, SOUTHEASTERLY ALONG A 225.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY A DISTANCE OF 146.10 FEET, SAID CURVE HAVING A CHORD BEARING OF S31°51'59"E AND A CHORD LENGTH OF 143.54 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF GRAND AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE, NORTHWESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GRAND AVENUE AND ALONG A 120.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE SOUTHWESTERLY A DISTANCE OF 39.20 FEET, SAID CURVE HAVING A CHORD BEARING OF N29°22'27"W AND A CHORD LENGTH OF 39.03 FEET; THENCE, N39°30'00"W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GRAND AVENUE A DISTANCE OF 66.45 FEET; THENCE, NORTHWESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GRAND AVENUE AND ALONG A 231.11 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY A DISTANCE OF 203.70 FEET, SAID CURVE HAVING A CHORD BEARING OF N64°45'00"W AND A CHORD LENGTH OF 197.17 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID GRAND AVENUE WHICH IS 251.77 FEET WEST AND 7.00 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 2; THENCE, N90°00'00"W ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID GRAND AVENUE A DISTANCE OF 79.57 FEET TO THE POINT OF BEGINNING. (AREA = 4,092.09 SQUARE FEET, MORE OR LESS)

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