



Roll Call Number

Agenda Item Number

17 A

Date December 19, 2011

An Ordinance entitled, "AN ORDINANCE vacating the excess right-of-way locally known as 3136 SW 9th Street",

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and 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 50309 (515) 283-4530

ORDINANCE NO. _____

AN ORDINANCE vacating the excess right-of-way locally known as 3136 SW 9th Street.

WHEREAS, on November 21, 2011, by Roll Call No. 11-1992, the City Council of the City of Des Moines, Iowa approved Ordinance No. 15,069, vacating excess right-of-way locally known as 3136 SW 9th Street; and

WHEREAS, said Ordinance contained a scrivener's error in the legal description of the vacated right-of-way, which error is corrected herein below; and

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; and

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

Sec. 1. Ordinance No. 15,069, as passed by Roll Call No. 11-1992, is hereby repealed and replaced by this Ordinance.

Sec. 2. That excess right-of-way locally known as 3136 SW 9th Street, more specifically described as follows, be and is hereby vacated.

EXCEPT STREET, THE VACATED NORTH 100.00 FEET OF THE EAST 118.00 FEET OF LOT 20, SOUTHGATE, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE NORTHEAST CORNER OF SAID LOT 20; THENCE SOUTH 89° (DEGREES) 47' (MINUTES) 45" (SECONDS) WEST, ALONG THE NORTH LINE OF SAID LOT 20, A DISTANCE OF 12.68 FEET TO POINT OF BEGINNING; THENCE SOUTH 05° 06' 15" WEST, 35.89 FEET; THENCE SOUTH 16° 43' 43" WEST, 60.03 FEET; THENCE SOUTH 3°42'59" WEST, 6.70 FEET; THENCE SOUTH 89° 41' 29" WEST, 85.51 FEET; THENCE NORTH 00° 37' 36" EAST, 100.00 FEET TO THE NORTH LINE OF SAID LOT 20; THENCE NORTH 89° 47' 45" EAST, ALONG THE NORTH LINE OF SAID LOT 20, A DISTANCE OF 105.32 FEET TO THE POINT OF BEGINNING. AS SURVEYED BY ELMER L. MILLER JR. LICENSED SURVEYOR NO. 13975. ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING BY SURVEY 9,701 SQUARE FEET OR 0.22 ACRES.


Sec. 3. 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. 4. 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. 5. 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