



**Roll Call Number**

**Agenda Item Number**

50A

Date January 14, 2013

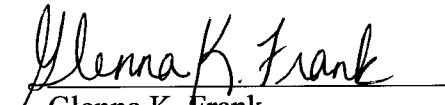
An Ordinance entitled, "AN ORDINANCE permanently vacating a portion of Gratis Avenue and SE 14<sup>th</sup> Street right-of-way adjoining 2102 SE 14<sup>th</sup> Street",

presented.

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

FORM APPROVED:

(First of three required readings)

  
Glenna K. Frank  
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

50A

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

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

AN ORDINANCE permanently vacating a portion of Gratis Avenue and SE 14<sup>th</sup> Street right-of-way adjoining 2102 SE 14<sup>th</sup> Street.

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 a portion of Gratis Avenue and SE 14<sup>th</sup> Street right-of-way adjoining 2102 SE 14<sup>th</sup> Street, more specifically described as follows, be and is hereby vacated.

ALL THAT PART OF GRATIS AVENUE RIGHT-OF-WAY, LYING NORTH AND ADJACENT TO LOTS 1, 2, AND 3 IN NELSON'S SUBDIVISION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 3 IN SAID NELSON'S SUBDIVISION; THENCE SOUTH 75° (DEGREES) 07'(MINUTES) 15"(SECONDS) EAST, ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 2.27 FEET TO THE POINT OF BEGINNING; THENCE FROM THE BEGINNING OF A LEFT CURVE, EASTERLY A DISTANCE OF 92.30 FEET ALONG THE CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 340.70 FEET AND A CENTRAL ANGLE OF 15°31'20" AND A CHORD BEARING OF SOUTH 84°51'39" EAST AND A CHORD DISTANCE OF 92.02 FEET; THENCE NORTH 89°37'35" EAST, A DISTANCE OF 26.83 FEET; THENCE SOUTH 45°13'49" EAST, A DISTANCE OF 14.10 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY OF SE 14TH STREET; THENCE SOUTH 00°07'13" EAST, ALONG THE WEST RIGHT-OF-WAY OF SE 14TH SREET, A DISTANCE OF 16.15 FEET; THENCE NORTH 75°07'15" WEST, ALONG THE NORTH LINE OF LOTS 1, 2 AND 3 IN NELSON'S SUBDIVISION, A DISTANCE OF 132.98 FEET TO THE POINT OF BEGINNING. CONTAINING 0.03 ACRES (1275 SQ FT), MORE OR LESS.

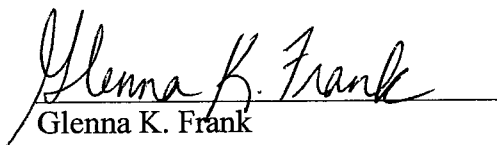
SOA

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, until such time that said utilities are abandoned or relocated as approved by the applicable utility.

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