



Date February 9, 2015

**HOLD HEARING FOR VACATION OF CITY-OWNED RIGHT-OF-WAY ON THE NORTHEAST CORNER OF FLEUR DRIVE AND ARMY POST ROAD**

**WHEREAS**, the City of Des Moines Engineering Department initiated a request for vacation of a portion of excess City right-of-way on the northeast corner of Fleur Drive and Army Post Road; and

**WHEREAS**, the excess right-of-way proposed to be vacated is needed as part of the Airport Runway Protection Zone, and the City will not be inconvenienced by the vacation of said right-of-way, subject to reservation of easements for any existing utilities currently located within the right-of-way; and

**WHEREAS**, on January 26, 2105, by Roll Call No. 15-0102, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on February 9, 2015, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with said notice, those interested in said proposed vacation, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, any objections to said proposed vacation of public right-of-way, as described below, are hereby overruled and the hearing is closed.
2. The right-of-way proposed to be vacated is needed as part of the Airport Runway Protection Zone, and the City would not be inconvenienced by reason of the vacation of a portion of City right-of-way on the northeast corner of Fleur Drive and Army Post Road, as legally described below, to allow for use as Airport Runway Protection Zone, and said vacation is hereby approved subject to reservation of easements for all existing utilities currently located therein until such time as they are abandoned or relocated:

A PART OF LOTS "D"AND 17, GEIL PLACE AND A PART OF LOTS "A", 1 AND 2, AUDITOR'S PLAT FLEUR PLACE PLAT 2, BOTH BEING AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 29, TOWNSHIP 78 NORTH, RANGE 24 WEST, OF THE 5TH P.M.; THENCE NORTH 00° (DEGREES) 05' (MINUTES) 57" (SECONDS) WEST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, 150.00 FEET; THENCE NORTH 89°54' 03" EAST, 50.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF FLEUR DRIVE AS PRESENTLY ESTABLISHED; THENCE SOUTH 44°51' 22" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 21.95 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 44°51' 22" EAST , 119.73 FEET; THENCE SOUTH 89°52'01" EAST, 316.07 FEET;


Date February 9, 2015

THENCE SOUTH 69°36'07" WEST, 370.21 FEET; THENCE NORTH 54°21'23" WEST, 60.17 FEET; THENCE NORTH 01°28'33" WEST, 179.63 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.73 ACRES (31619 S.F.).

3. Upon final passage of an ordinance vacating said right-of-way and approval by resolution of this City Council, the City Clerk is authorized and directed to forward a certified copy of this resolution and of the affidavit of publication of the notice of this hearing to the Polk County Recorder's Office for the purpose of causing said documents to be recorded.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

  
 Cori Kuhn Coleman, Assistant City Attorney

*BW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

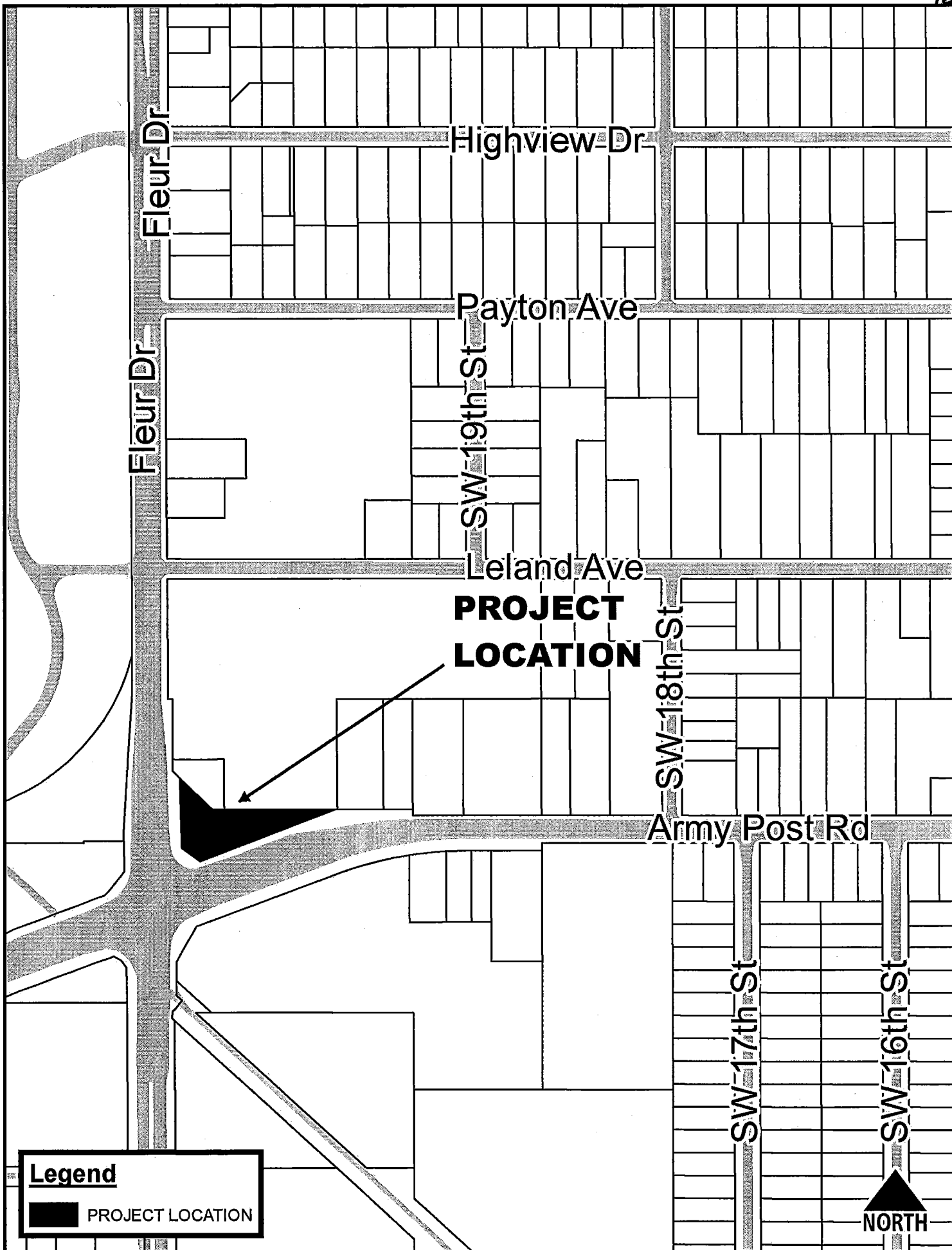
Mayor

**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



**PROJECT  
LOCATION**

**Legend**  
■ PROJECT LOCATION

