

★ Roll Call Number

Agenda Item Number

51A

Date July 13, 2015

An Ordinance entitled, "AN ORDINANCE vacating as parkland .23 acres of real estate adjacent to the Greenwood Building/Bergman Academy in Ashworth Park at 100 45th Street",

presented.

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

FORM APPROVED:

(First of three required readings)

Ann DiDonato

Ann DiDonato
Assistant City Attorney

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

51A

Prepared by: Ann DiDonato, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4130

ORDINANCE NO. _____

AN ORDINANCE vacating as parkland .23 acres of real estate adjacent to the Greenwood Building/Bergman Academy in Ashworth Park at 100 45th 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 parkland of .23 acres of real estate adjacent to the Greenwood Building/Bergman Academy in Ashworth Park at 100 45th Street, more specifically described as follows, be and is hereby vacated.

AREA "A"

A PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 12; THENCE NORTH 89°46'48" WEST ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 12, A DISTANCE OF 1341.05 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12 AND BEING ON THE WEST LINE OF LINDEN HEIGHTS, AN OFFICIAL PLAT; THENCE NORTH 89°46'48" WEST ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 660.00 FEET; THENCE SOUTH 00°13'12" WEST, 40.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°47'22" EAST, 76.81 FEET; THENCE SOUTH 51°55'41" EAST, 73.36 FEET; THENCE NORTH 89°46'48" WEST, 134.73 FEET; THENCE NORTH 00°13'12" EAST, 45.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.11 ACRES (4,760 S.F.).

AREA "B"

A PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:


COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 12; THENCE NORTH 89°46'48" WEST ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 12, A DISTANCE OF 1341.05 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12 AND BEING ON THE WEST LINE OF LINDEN HEIGHTS, AN OFFICIAL PLAT; THENCE NORTH 89°46'48" WEST ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 660.00 FEET; THENCE SOUTH 00°13'12" WEST, 340.00 FEET; THENCE SOUTH 89°46'48" EAST, 93.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°46'48" EAST, 56.19 FEET; THENCE NORTH 50°41'21" EAST, 133.54 FEET; THENCE SOUTH 14°01'20" WEST, 75.36 FEET; THENCE SOUTH 50°41'21" WEST, 60.46 FEET; THENCE NORTH 74°02'17" WEST, 98.27 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.12 ACRES (5,114 S.F.).

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