

Date May 23, 2016

**SET HEARING FOR VACATION OF SEGMENTS OF STREET RIGHT-OF-WAY  
IN THE VICINITY OF 1628 EAST 42<sup>ND</sup> STREET**

**WHEREAS**, on May 5, 2016, the City Plan and Zoning Commission approved a request from Pam Cooksey, City Engineer for the City of Des Moines, Iowa, for the vacation of portions of East Washington Street, East 42<sup>nd</sup> Street and Williams Court (hereinafter "City Right-of-Way"), subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

**WHEREAS**, the City Engineer is proposing to vacate the City Right-of-Way in order to close off public vehicular access to the area, and to assemble it with adjoining properties for conservation purposes; and

**WHEREAS**, the City Right-of-Way is located within an existing or proposed flood hazard area, there is no known current or future public need for the City Right-Of-Way proposed to be vacated, and the City will not be inconvenienced by the vacation of said right-of-way.

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

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating portions of East Washington Street, East 42<sup>nd</sup> Street and Williams Court right-of-way in the vicinity of 1628 East 42<sup>nd</sup> Street, as legally described below, for the purpose of closing off public vehicular access to the area, and assembling it with adjoining properties for conservation purposes:

THE EAST 299 FEET OF THE NORTH 5 FEET OF LOT 1, BROADACRE, AN OFFICIAL PLAT; AND

THE EAST 299 FEET OF LOT A OF SAID BROADACRE; AND

-EXCEPT THE WEST 10 FEET-, ALL THAT PART OF THE EAST WASHINGTON AVENUE RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 58 AND 59, ELMWOOD PARK, AN OFFICIAL PLAT; AND

ALL THAT PART OF THE EAST WASHINGTON AVENUE RIGHT OF WAY LYING BETWEEN THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 58 AND THE EAST LINE OF SAID ELMWOOD PARK; AND

ALL THAT PART OF THE EAST 42<sup>ND</sup> STREET RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 13 THROUGH 58, ALL IN SAID ELMWOOD PARK; AND

ALL OF THE WEST 40 FEET OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., LYING BETWEEN THE EASTERLY EXTENSTION OF THE NORTH LINE OF SAID LOT 13 OF ELMWOOD PARK AND THE SOUTH LINE OF SAID NORTHEAST QUARTER (NE1/4);

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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AND

A PART OF THE EAST 42ND STREET RIGHT OF WAY LYING IN A PART OF LOTS 9 THRU 12, ELMWOOD PARK, AN OFFICIAL PLAT AND IN SECTION 33, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 45 OF SAID ELMWOOD PARK; THENCE NORTH 0°(DEGREES) 07'(MINUTES) 38"(SECONDS) EAST, 724.10 FEET TO THE SOUTHEAST CORNER OF SAID LOT 12 AND ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 89°58'16" WEST ALONG THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 54.25 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 430.00 FEET, WHOSE ARC LENGTH IS 310.88 FEET AND WHOSE CHORD BEARS NORTH 22°10'02" EAST, 304.16 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION; THENCE NORTH 89°47'45" EAST ALONG SAID NORTH LINE, 10.12 FEET TO A POINT 40.00 FEET EAST OF AND PERPENDICULAR TO THE WEST LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 0°07'38" WEST ALONG A LINE 40.00 FEET EAST OF AND PARALLEL TO SAID WEST LINE, 281.65 FEET TO THE POINT OF INTERSECTION WITH THE PROJECTED SOUTH LINE OF SAID LOT 12; THENCE SOUTH 89°58'16" WEST, 70.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.30 ACRES (13248 SQ. FT.);

AND

A PART OF THE WILLIAMS COURT RIGHT OF WAY LYING IN LOTS 99 AND 100, ELMWOOD PARK, 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 SOUTHEAST CORNER OF LOT 45 OF SAID ELMWOOD PARK; THENCE NORTH 0°(DEGREES) 07'(MINUTES) 38"(SECONDS) EAST, 592.38 FEET TO THE SOUTHEAST CORNER OF LOT 18 OF SAID ELMWOOD PARK; THENCE SOUTH 89°57'32" WEST ALONG THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 139.82 FEET TO THE SOUTHEAST CORNER OF SAID LOT 99 AND ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°57'32" WEST ALONG THE SOUTH LINE OF SAID LOT 99, A DISTANCE OF 43.89 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 370.00 FEET, WHOSE ARC LENGTH IS 32.96 FEET AND WHOSE CHORD BEARS NORTH 42°32'56" EAST, 32.95 FEET; THENCE NORTH 45°06'04" EAST, 27.83 FEET TO A POINT ON THE


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NORTH LINE OF SAID LOT 100; THENCE NORTH 89°57'47" EAST ALONG THE NORTH LINE OF SAID LOT 100, A DISTANCE OF 2.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 100; THENCE SOUTH 0°08'20" WEST, 43.89 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (1036 SQ. FT.).

3. That the meeting of the City Council of the City of Des Moines, Iowa, at which the vacation of such right-of-way is to be considered, shall be on June 13, 2016, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
5. There are no proceeds associated with this action.

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

APPROVED AS TO FORM:

  
 Lisa A. Wieland  
 Assistant City Attorney

*prw*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		
_____ Mayor				

**CERTIFICATE**

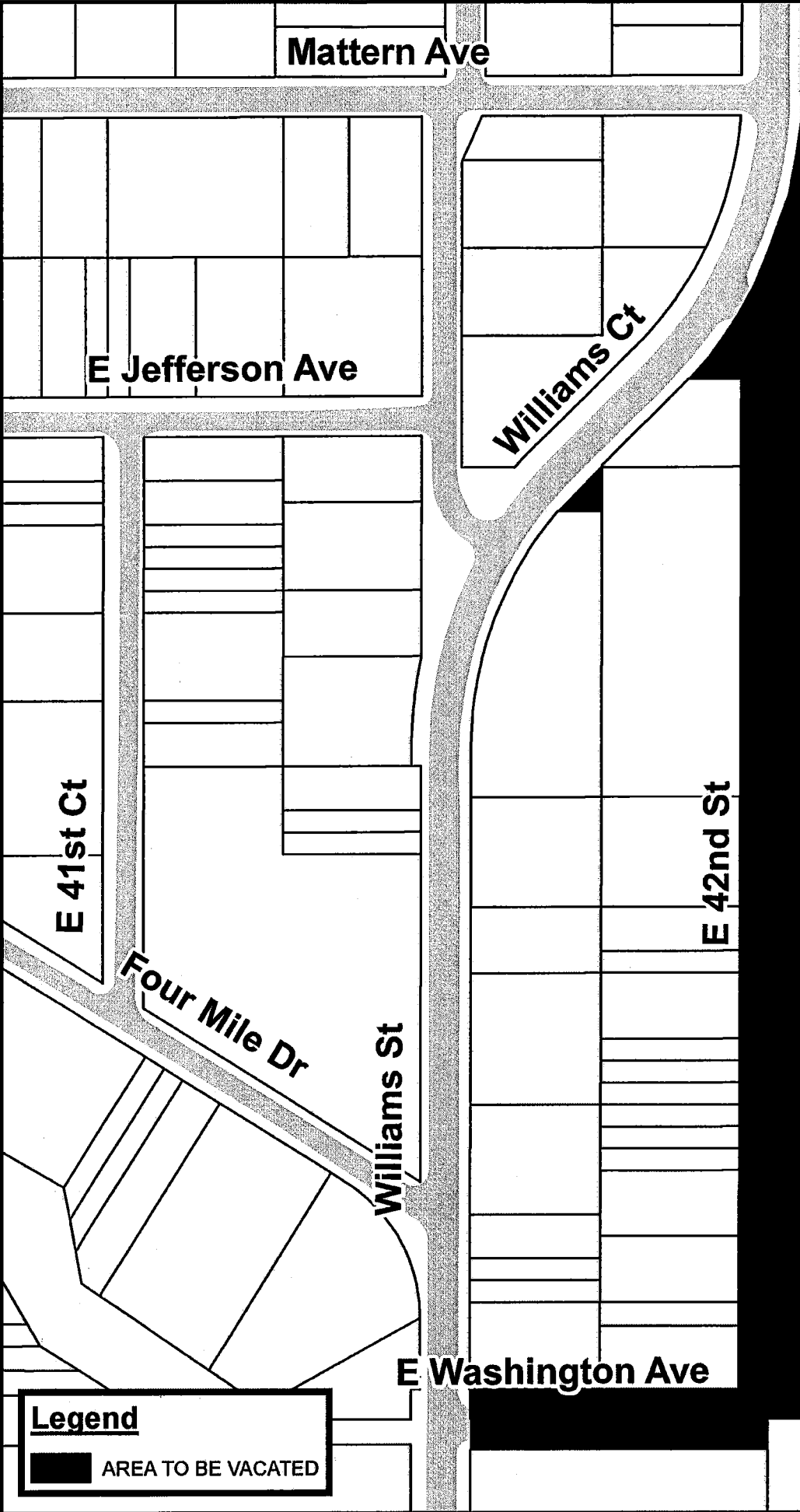
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
City

**EXHIBIT A**



**Legend**  
■ AREA TO BE VACATED

