

★ Roll Call Number

Agenda Item Number

52

Date June 27, 2016

An Ordinance entitled, "AN ORDINANCE 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",

which was considered and voted upon under Roll Call No. 16- 0994 of June 13, 2016; again presented.

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

(Second of three required readings)

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

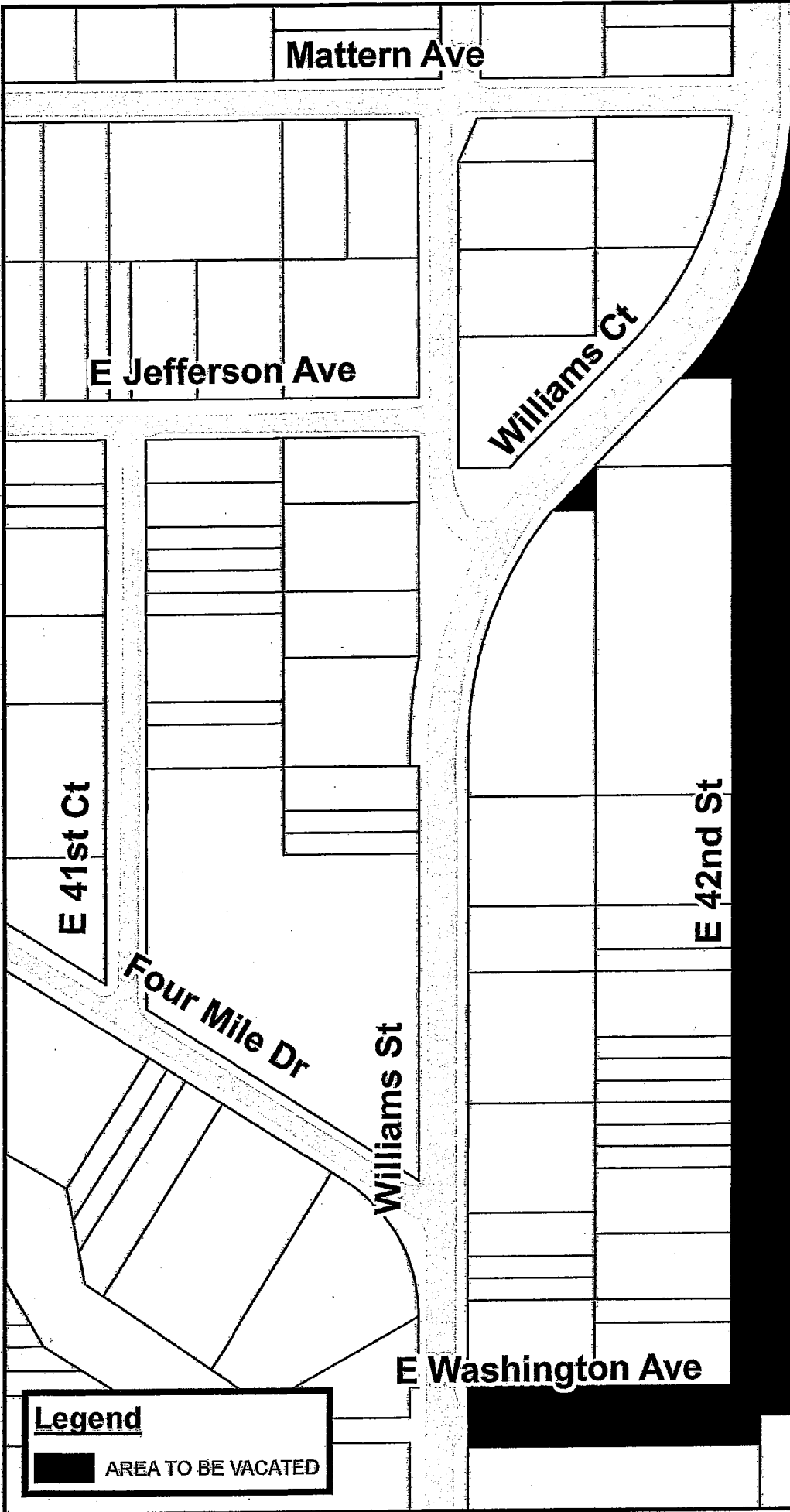
CERTIFICATE

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.

\_\_\_\_\_ City Clerk

**EXHIBIT A**



**Legend**  
■ AREA TO BE VACATED



Prepared by: Lisa A. Wieland, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4124  
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

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

AN ORDINANCE 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.

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 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, more specifically described as follows, be and is hereby vacated:

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 42ND 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 EXTENSION 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.

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 NORTH LINE OF SAID LOT 100; THENCE  
NORTH 89°57'47" EAST ALONG THE NORTH LINE OF SAID LOT 100, A DISTANCE

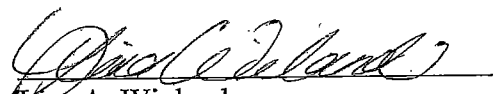
OF 2.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 100; THENCE SOUTH 0°08'20" WEST, 43.89 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (1036 SQ. FT.).

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:



Lisa A. Wieland  
Assistant City Attorney