

Date March 26, 2018

An Ordinance entitled, "AN ORDINANCE vacating approximately 5.79 acres of parkland located along the Des Moines River east of 2<sup>nd</sup> Avenue, north of the Iowa Women of Achievement Bridge, and south of Interstate 235, Des Moines, Iowa",

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				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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

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

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

AN ORDINANCE vacating approximately 5.79 acres of parkland located along the Des Moines River east of 2<sup>nd</sup> Avenue, north of the Iowa Women of Achievement Bridge, and south of Interstate 235, Des Moines, Iowa.

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 approximately 5.79 acres of parkland located along the Des Moines River east of 2<sup>nd</sup> Avenue, north of the Iowa Women of Achievement Bridge, and south of Interstate 235, Des Moines, Iowa, more specifically described as follows, be and is hereby vacated.

ALL OF BLOCK H, RIVER HILLS PLAT ONE, AN OFFICIAL PLAT;

AND

A PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK H OF SAID RIVER HILLS PLAT ONE; THENCE NORTHEASTLY ALONG THE EAST LINE OF SAID BLOCK H TO A POINT ON A NORTH LINE OF SAID BLOCK H, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID BLOCK H; THENCE EASTERLY ALONG THE EASTERLY EXTENSION OF SAID NORTH LINE OF SAID BLOCK H TO THE WEST BANK OF THE DES MOINES RIVER; THENCE

SOUTHWESTERLY ALONG SAID WEST BANK TO A POINT ON THE  
EASTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK H;  
THENCE WESTERLY ALONG SAID EASTERLY EXTENSION TO THE  
POINT OF BEGINNING;

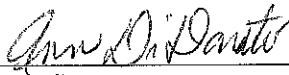
ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES  
MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY  
5.79 ACRES (252,221 SQUARE FEET).

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 upon occurrence of the condition that Polk County has received at least 50% of the costs of constructing a skateboard park, including a \$225,000 maintenance fund and pledges for the remaining costs, pursuant to the Cooperative Public Service Agreement between Polk County and the City of Des Moines, 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 and upon satisfaction of the conditions in Section 3 above.

FORM APPROVED:



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Ann DiDonato  
Assistant City Attorney