

Date March 8, 2021

An Ordinance entitled, "AN ORDINANCE vacating a segment of East 38th Street Right-of-Way between Hubbell Avenue and East Douglas Avenue,"

presented.

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

FORM APPROVED:

(First of three required readings)

/s/ Lisa A. Wieland
 Lisa A. Wieland
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, P. Kay Cmelik, 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.

 Mayor

 City Clerk

58A

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 a segment of East 38th Street Right-of-Way between Hubbell Avenue and East Douglas Avenue.

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 a segment of East 38th Street Right-of-Way between Hubbell Avenue and East Douglas Avenue, more specifically described as follows, be and is hereby vacated:

A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 20, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., 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 SAID SECTION 20; THENCE NORTH 0°(DEGREES) 21'(MINUTES) 31"(SECONDS) EAST ALONG THE EAST LINE OF SAID SECTION, 25.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°38'16" WEST ALONG A LINE BEING 25.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID SECTION, 30.00 FEET; THENCE NORTH 0°21'31" EAST ALONG A LINE BEING 30.00 FEET WEST OF AND PARALLEL TO SAID EAST LINE, 230.46 FEET TO A POINT BEING 53.00 FEET SOUTHEASTERLY OF AND PERPENDICULAR TO THE CENTERLINE OF HUBBELL AVENUE, AS PRESENTLY ESTABLISHED; THENCE NORTH 54°52'02" EAST ALONG A LINE BEING 53.00 FEET SOUTHEASTERLY OF AND PARALLEL TO SAID CENTERLINE, 36.85 FEET TO A POINT ON THE EAST LINE OF SAID SECTION; THENCE SOUTH 0°21'31" WEST ALONG SAID EAST LINE,

251.48 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.17 ACRES (7229 SQ. FT.)

AND

A PART OF LOT "B", AQUARIUS, 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 SOUTHWEST CORNER OF SAID LOT "B"; THENCE NORTH 0°(DEGREES) 21'(MINUTES) 31"(SECONDS) EAST ALONG THE WEST LINE OF SAID LOT, 25.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°21'31" EAST ALONG SAID WEST LINE, 251.48 FEET TO A POINT BEING 53.00 FEET SOUTHEASTERLY OF AND PERPENDICULAR TO THE CENTERLINE OF HUBBELL AVENUE, AS PRESENTLY ESTABLISHED; THENCE NORTH 54°52'02" EAST ALONG A LINE BEING 53.00 FEET SOUTHEASTERLY OF AND PARALLEL TO SAID CENTERLINE, 40.53 FEET TO A POINT ON THE EAST LINE OF SAID LOT "B"; THENCE SOUTH 0°21'31" WEST ALONG SAID EAST LINE, 274.85 FEET TO THE NORTHWEST CORNER OF LOT "A" OF SAID AQUARIUS; THENCE NORTH 89°55'22" WEST ALONG THE EXTENDED NORTH LINE OF SAID LOT "A", 33.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.20 ACRES (8646 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

INDEX LEGEND

SERVICE PROVIDED FOR:
 CITY OF DES MOINES
 400 ROBERT D. RAY DRIVE
 DES MOINES, IOWA 50309

REQUESTED BY:
 CITY OF DES MOINES

RETURN TO:
 CITY OF DES MOINES
 1551 E. MARTIN LUTHER KING JR. PKWY
 DES MOINES, IOWA 50309
 PHONE: 515-283-4030

BASIS OF BEARING:
 IOWA SOUTH COORDINATE SYSTEM (NADB3)
 IOWA DEPARTMENT OF TRANSPORTATIONS-
 IOWA REAL TIME NETWORK

LOCATED:
 PT. SE 1/4 SE 1/4
 SECTION 20-T79N, R23W

TITLE HOLDER:
 CITY OF DES MOINES

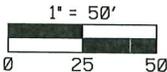
ADDRESS:
 N/A
 DES MOINES, IOWA 50317

EXHIBIT

OF PROPERTY BEING VACATED
 BY THE CITY OF DES MOINES

LEGEND

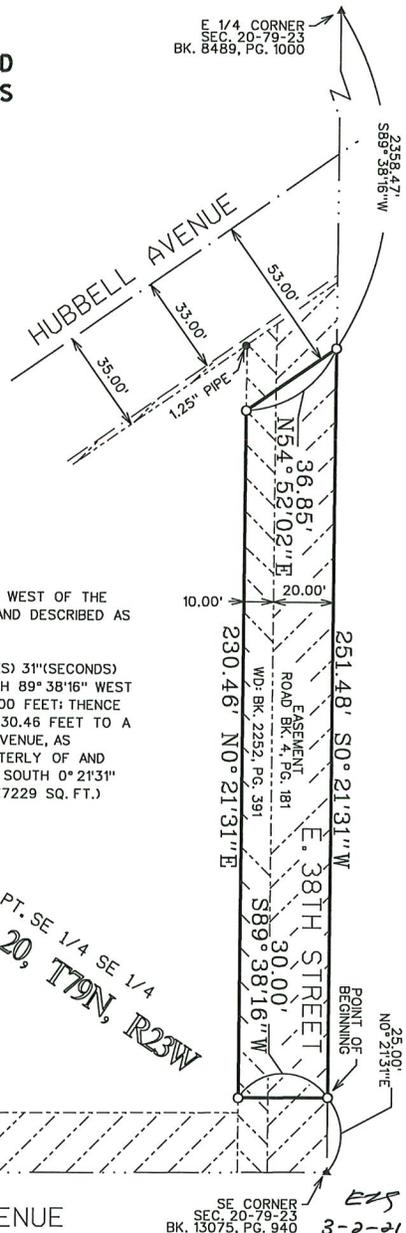
- FOUND MONUMENT (AS NOTED)
- SET 5/8" REBAR W/YELLOW PLASTIC CAP *20297 (UNLESS NOTED OTHERWISE)
- ▲ SECTION CORNER FOUND (AS NOTED)
- △ SECTION CORNER SET 5/8" REBAR W/YELLOW PLASTIC CAP *20297 (UNLESS NOTED OTHERWISE)
- + CALCULATED CORNER
- M MEASURED DIMENSION
- C CALCULATED DIMENSION
- R RECORDED DIMENSION
- D DEEDED DIMENSION
- P PLATTED DIMENSION
- YPC YELLOW PLASTIC CAP
- OPC ORANGE PLASTIC CAP
- ▬ RIGHT OF WAY VACATION LINE
- - - - EXISTING RIGHT OF WAY
- — — CENTERLINE
- · · · DEED LINE
- · · · SECTION LINE



DESCRIPTION:

A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 20, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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PT. SE 1/4 SE 1/4
 SEC. 20, T79N, R23W

CUT "X" CORNER
 SW CORNER
 PT. SE 1/4 SE 1/4
 SEC. 20-T79-23
 BK. 9546, PG. 570

1318.32" S89° 38'16" W
 E. DOUGLAS AVENUE

SE CORNER
 SEC. 20-79-23
 BK. 13075, PG. 940
 3-2-21

	DEPARTMENT OF ENGINEERING CITY OF DES MOINES, IOWA (515) 283-4931
	HUBBELL SAFETY IMPROVEMENT-33RD TO 38TH ACT. I.D. 01-2015-024 RIGHT OF WAY EXHIBIT VACATION EXHIBIT
	1 OF 1
Rev/Date	SHEET

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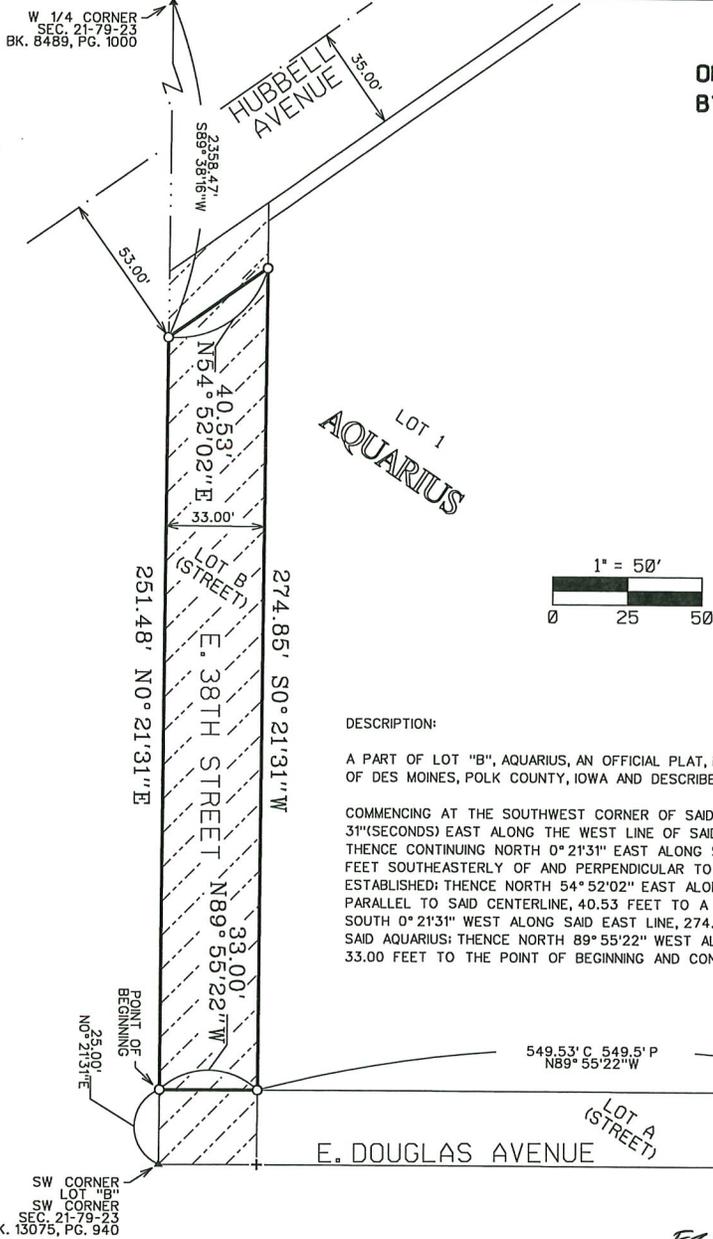
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BASIS OF BEARING:
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 IOWA DEPARTMENT OF TRANSPORTATIONS-
 IOWA REAL TIME NETWORK

LOCATED:
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 AQUARIUS
 TITLE HOLDER:
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 ADDRESS:
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 DES MOINES, IOWA 50317

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 OF PROPERTY BEING VACATED
 BY THE CITY OF DES MOINES



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