



**Roll Call Number**

**Agenda Item Number**

48 A

**Date**..... November 21, 2022.....

An Ordinance entitled, "AN ORDINANCE vacating a portion of Beaverdale Park, 3333 Adams Avenue, lying south of and adjoining 3401 34<sup>th</sup> Street, Des Moines, Iowa",

presented.

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

FORM APPROVED:

(First of three required readings)

/s/ Mackenzie L. Moreno  
Mackenzie L. Moreno  
Assistant City Attorney

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

**CERTIFICATE**

I, LAURA BAUMGARTNER, 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

Prepared by: Mackenzie L. Moreno, 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 portion of Beaverdale Park, 3333 Adams Avenue, lying south of and adjoining 3401 34<sup>th</sup> Street, 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 a portion of Beaverdale Park, 3333 Adams Avenue, lying south of and adjoining 3401 34<sup>th</sup> Street, Des Moines, Iowa, more specifically described as follows, be and is hereby vacated:

A PART OF LOT 33, KINGMAN'S ORCHARD, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 33; THENCE NORTH 0°(DEGREES) 48'(MINUTES) 51"(SECONDS) WEST ALONG THE WEST LINE OF SAID LOT, 639.89 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 89°38'33" EAST ALONG THE NORTH LINE OF SAID LOT, 104.65 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 232.50 FEET, WHOSE ARC LENGTH IS 46.12 FEET AND WHOSE CHORD BEARS SOUTH 37°17'55" WEST, 46.05 FEET; THENCE SOUTH 31°36'56" WEST, 85.23 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 49.50 FEET, WHOSE ARC LENGTH IS 31.11 FEET AND WHOSE CHORD BEARS SOUTH 13°36'43" WEST, 30.60 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 2787.50 FEET, WHOSE ARC LENGTH IS 154.59 FEET AND WHOSE CHORD BEARS SOUTH 2°48'11" EAST, 154.57 FEET; THENCE SOUTH 1°12'52" EAST, 345.82 FEET TO A POINT ON THE SOUTH LINE OF SAID

LOT; THENCE SOUTH 89°50'06" WEST ALONG SAID SOUTH LINE, 30.66 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.51 ACRES (22170 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:

A handwritten signature in black ink, appearing to read 'Mackenzie L. Moreno', is written over a horizontal line.

Mackenzie L. Moreno  
Assistant City Attorney

**INDEX LEGEND**

SURVEYOR:  
 APHAYMANY J. KHONGMALY, P.L.S.  
 CITY OF DES MOINES  
 1551 E. MARTIN LUTHER KING JR. PKWY  
 DES MOINES, IOWA 50309  
 PHONE: 515-283-4050

LOCATED:  
 LOT 33, KINGMAN'S ORCHARD

TITLE HOLDER:  
 CITY OF DES MOINES

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

ADDRESS:  
 N/A  
 DES MOINES, IOWA 50310

REQUESTED BY:  
 CITY OF DES MOINES

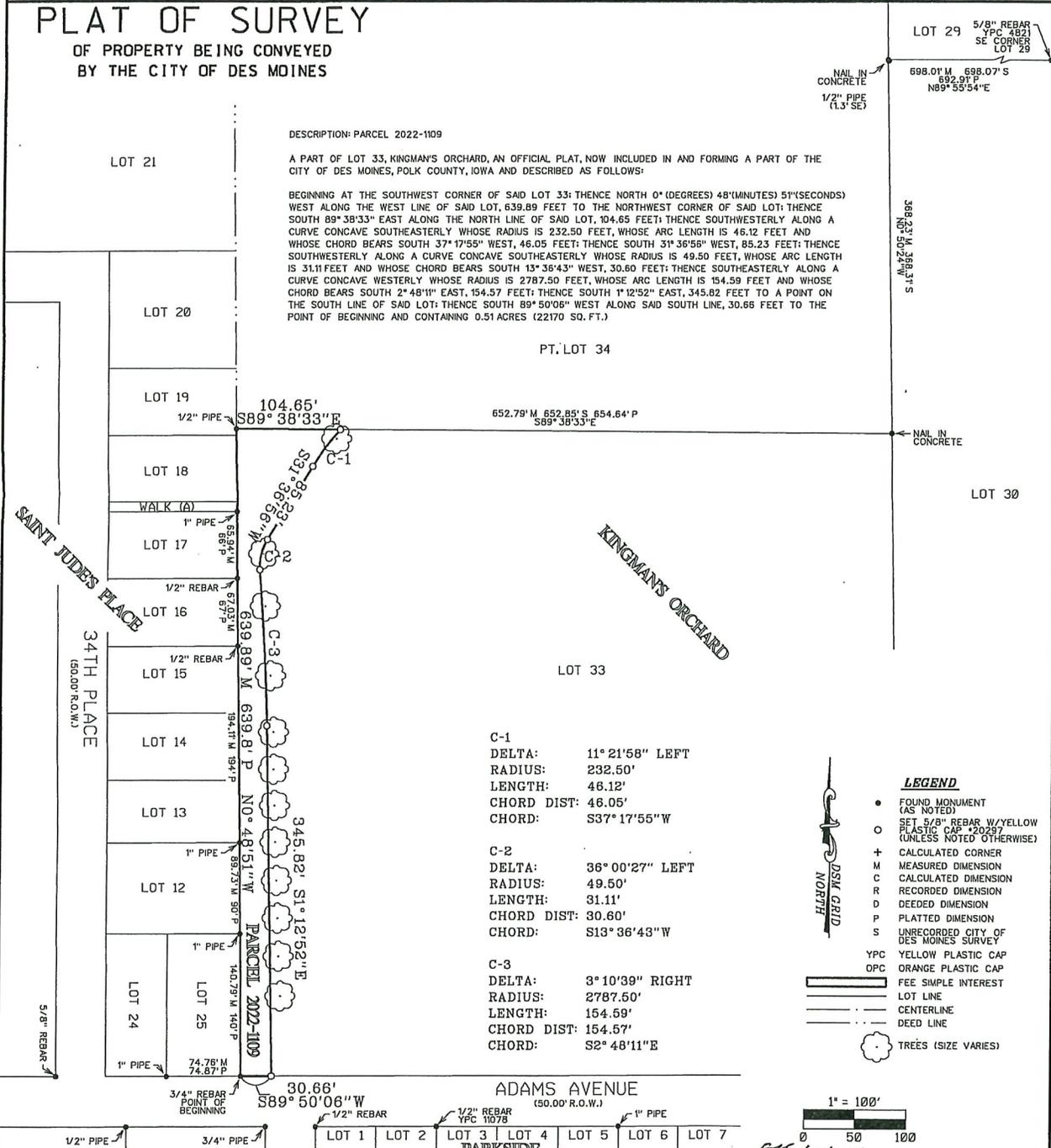
RETURN TO:  
 APHAYMANY J. KHONGMALY, P.L.S.  
 CITY OF DES MOINES  
 1551 E. MARTIN LUTHER KING JR. PKWY  
 DES MOINES, IOWA 50309  
 PHONE: 515-283-4050

DATE OF SURVEY: 5/19/2022

BASIS OF BEARING:  
 IOWA SOUTH COORDINATE SYSTEM (NAD83)  
 IOWA DEPARTMENT OF TRANSPORTATIONS-  
 IOWA REAL TIME NETWORK

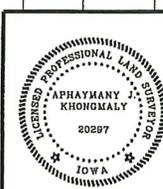
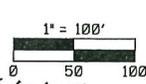
RECORDER'S AREA

**PLAT OF SURVEY**  
 OF PROPERTY BEING CONVEYED  
 BY THE CITY OF DES MOINES



C-1	DELTA:	11° 21' 58" LEFT
	RADIUS:	232.50'
	LENGTH:	46.12'
	CHORD DIST:	46.05'
	CHORD:	S37° 17' 55" W
C-2	DELTA:	36° 00' 27" LEFT
	RADIUS:	49.50'
	LENGTH:	31.11'
	CHORD DIST:	30.60'
	CHORD:	S13° 36' 43" W
C-3	DELTA:	3° 10' 39" RIGHT
	RADIUS:	2787.50'
	LENGTH:	154.59'
	CHORD DIST:	154.57'
	CHORD:	S2° 48' 11" E

- LEGEND**
- FOUND MONUMENT (AS NOTED)
  - 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
  - S UNRECORDED CITY OF DES MOINES SURVEY
  - YPC YELLOW PLASTIC CAP
  - OPC ORANGE PLASTIC CAP
  - ▬ FEE SIMPLE INTEREST
  - ▬ LOT LINE
  - ▬ CENTERLINE
  - ▬ DEED LINE
  - TREES (SIZE VARIES)



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

APHAYMANY J. KHONGMALY  
 DATE: 6/2/2022  
 LICENSE NO. 20297  
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022  
 PAGES OR SHEETS COVERED BY THIS SEAL: 1 OF 1

DEPARTMENT OF ENGINEERING  
 CITY OF DES MOINES, IOWA  
 (515) 283-4931

WORK FOR PARKS AND REC. SITE "A"  
 ACT. I.D. 02-1111-018-2022 PARCEL  
 EXHIBIT 2022-1109

SHEET 1 OF 1