



**Roll Call Number**

**Agenda Item Number**

44

**Date** March 4, 2024

An Ordinance entitled, "AN ORDINANCE vacating a portion of the cemetery located southwest and interior to the intersection of 48<sup>th</sup> Street and Franklin Avenue",

which was considered and voted upon under Roll Call No. 24- 0270 of February 19, 2024; again presented.

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

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
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

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Prepared by: Mackenzie L. Moreno, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4535  
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

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

AN ORDINANCE vacating a portion of the cemetery located southwest and interior to the intersection of 48<sup>th</sup> Street and Franklin 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 portion of the cemetery located southwest and interior to the intersection of 48<sup>th</sup> Street and Franklin Avenue, more specifically described as follows, be and is hereby vacated:

PARCEL 2023-203

AN IRREGULAR SHAPED PORTION OF LOT 6 AND LOT 11 IN FRANKLIN PLAZA, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE N89°50'49"W ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 131.60 FEET; THENCE N00°35'37"E, A DISTANCE OF 88.00 FEET; THENCE N89°50'49"W, A DISTANCE OF 509.62 FEET; THENCE N00°15'57"W, A DISTANCE OF 327.03 FEET TO THE NORTH LINE OF SAID LOT 11; THENCE S89°33'55"E ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 80.87 FEET TO THE SOUTHWEST CORNER OF LOT 10 IN SAID FRANKLIN PLAZA; THENCE S89°43'25"E ALONG THE SOUTH LINE OF LOTS 10 AND 9 IN SAID FRANKLIN PLAZA, A DISTANCE OF 227.96 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE N89°57'30"E ALONG THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 329.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE S00°33'08"E ALONG THE EAST LINE OF SAID LOT 6, A DISTANCE OF 415.29 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 5.05 ACRES 220,085 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 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:

  
Mackenzie L. Moreno  
Assistant City Attorney