

ORDINANCE NO. 13,731

AN ORDINANCE vacating portions of Army Post Road between Fleur Drive and S.W. 42nd 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:

Section 1. That the following described portions of Army Post Road between Fleur Drive and S.W. 42nd Street, be and are hereby vacated:

Tract A:

A part of the Northwest 1/4 of Section 32 and a part of the Southwest 1/4 of Section 29, Township 78 North, Range 24 West, of the 5th P.M., more particularly described as follows:

Commencing as a Point of Reference at the Northwest Corner of Section 32; thence South 0°(degrees) 12'(Minutes) 12"(Seconds) East, along the West Section Line of said Section 32, a distance of 35.00 feet; thence North 89°57'57" East along the South right-of-way line of Army Post Road a distance of 864.79 feet to the Point of Beginning; thence North 0°12'57" East a distance of 95.00 feet to the North right-of-way line of Army Post Road; thence North 89°57'57" East along the North right-of-way line of Army Post Road a distance of 1363.44 feet; thence along a 540.00 foot radius curve, concave Northwest with a central angle of 57°27'04", a chord distance of 519.06 feet, a chord bearing of North 43°02'44" East; thence Northeast along said curve an arc distance of 541.46 feet to the West right-of-way line of present Fleur Drive; thence South 0°05'42" East, a distance of 105.10 feet; thence South 3°51'43" West, a distance of 231.86 feet; thence South 0°05'42" East, a distance of 102.70 feet to the North

line of Section 32; thence South 0°15'53" East, a distance of 35.00 feet to the South right-of-way line of Army Post Road; thence South 89°57'57" West, a distance of 1702.99 feet to the Point of Beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa and containing 203, 204 square feet, more or less.

Tract B:

A part of the Northeast 1/4 of Section 31 and a part of the Southeast 1/4 of Section 30, Township 78 North, Range 24 West, of the 5th P.M., more particularly described as follows:

Commencing as a Point of Reference at the North Quarter Corner of Section 31; thence North 0°(degrees) 01'(Minutes) 21"(Seconds) East, a distance of 60.00 feet to the present North right-of-way line of Army Post Road; thence South 89°48'10" East along said right-of-way line, a distance of 893.10 feet to the Point of Beginning; thence South 89°48'10" East, a distance of 627.00 feet; thence South 0°08'14" East, a distance of 112.00 feet to the South right-of-way line of Army Post Road and the East line of Lot 12 Haverhill Place; thence North 89°48'10" West along said South right-of-way line, a distance of 200.07 feet; thence South 0°12'14" East, a distance of 8.00 feet; thence North 89°48'10" West along said South right-of-way line, a distance of 426.80 feet; thence North 0°12'12" West, a distance of 120.00 feet to the Point of Beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa and containing 73, 631 square feet, more or less.

Sec. 2. All utilities now located within the right-of-way described above shall be abandoned or removed from such right-of-way prior to September 1, 2000, unless specific permission for the continued location and use of the utility within such right-of-way is hereafter granted by easement from the City of Des Moines, Iowa.

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:

Roger K. Brown, Assistant City Attorney

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Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 99-2351), passed by the City Council of said City at a meeting held July 26, 1999, signed by the Mayor on July 26, 1999, and published as provided by law in the Business Record on August 9, 1999. Authorized by Publication Order No. 6202.

Donna Boetel-Baker, CMC/AAE, City Clerk