

ORDINANCE NO. 14,001

AN ORDINANCE vacating a strip of 62nd Street right-of-way between Grand Avenue and Walnut Hill Drive

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 a strip of 62nd Street right-of-way between Grand Avenue and Walnut Hill Drive, be and is hereby vacated:

AN IRREGULAR SHAPED PORTION OF LOT D (62nd STREET) LYING WEST OF AND ADJOINING THE WEST LINE OF LOTS 55, 56, 57, E AND 60 IN GRAND AVENUE WATERBURY, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA MORE ACCURATELY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4 INCH IRON PIPE WITH ID. CAP 12971 AT THE NORTHWEST CORNER OF LOT 56 IN SAID GRAND AVENUE WATERBURY; THENCE SOUTH 08⁰ (DEGREES) 14' (MINUTES) 56" (SECONDS) EAST (ASSUMED FOR THE PURPOSE OF THIS DESCRIPTION) ALONG THE WESTERLY LINE OF LOTS 56, 57, E AN]) 60 IN SAID GRAND AVENUE WATERBURY, A DISTANCE OF 227.22 FEET TO A CUT "X" AT THE INTERSECTION OF THE WESTERLY LINE OF SAID LOT 60 AND THE NORTH RIGHT-OF-WAY LINE OF GRAND AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE NORTH 22⁰11' 33" WEST, A DISTANCE OF 28,01 FEET; THENCE NORTH 08⁰14' 56" WEST ALONG A LINE PARALLEL WITH AND 6.75 FEET WEST OF THE WESTERLY LINE OF SAID LOTS 60, E, 57 AND 56, A DISTANCE OF 175.21 FEET; THENCE NORTH 00⁰00' 36" WEST, A DISTANCE OF 47.01 FEET TO THE WESTERLY LINE OF LOT 55 IN SAID GRAND AVENUE WATERBURY; THENCE SOUTH 08⁰14' 56" EAST ALONG THE WESTERLY LINE OF SAID LOT 55, A DISTANCE OF 21.79 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD. SAID TRACT OF LAND CONTAINS 1,432 SQUARE FEET MORE OR LESS.

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. And System Capital, Real Property Corp. or their assigns, providing additional overstory ash trees along the west edge of the property by continuation of the existing pattern on 62nd Street south to a point no further north than the center of the west wall of the proposed restaurant building.

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:

Paul L. White, Assistant City Attorney

Preston Daniels, Mayor

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. 01-3080), passed by the City Council of said City at a meeting held October 8, 2001, signed by the Mayor on October 8, 2001, and published as provided by law in the Business Record on October 22, 2001. Authorized by Publication Order No. 1926.

Donna Boetel-Baker, MMC City Clerk