

ORDINANCE NO. 14,318

AN ORDINANCE vacating portions of SW 28<sup>th</sup> Court, SW 28<sup>th</sup> Street, SW 30th Street and Littell Avenue between previously vacated Army Post Road and Relocated Army Post Road.

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 portions of SW 28<sup>th</sup> Court, SW 28<sup>th</sup> Street, SW 30th Street and Littell Avenue between previously vacated Army Post Road and Relocated Army Post Road, more specifically described as follows, be and are hereby vacated:

**SW 28<sup>TH</sup> COURT FROM PREVIOUSLY VACATED ARMY POST ROAD TO LITTELL AVENUE:**

LOT A, BEENER PLAZA, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

**SW 28<sup>TH</sup> STREET FROM LITTELL AVENUE TO RELOCATED ARMY POST ROAD:**

PART OF SECTION 31 AND 32, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 32; THENCE NORTH 0<sup>o</sup>(DEGREES)12'(MINUTES)12"(SECONDS) WEST ALONG THE WEST LINE OF THE NORTHWEST ¼ OF SAID SECTION 32, 842.35 FEET TO THE NORTH RIGHT-OF-WAY LINE OF RELOCATED ARMY POST ROAD; THENCE NORTH 69<sup>o</sup>29'11" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF RELOCATED ARMY POST ROAD, 137.54 FEET TO THE POINT OF BEGINNING; THENCE NORTH 17<sup>o</sup>07'57" EAST, 46.02 FEET; THENCE NORTH 30<sup>o</sup>30'49" WEST, 282.76 FEET TO THE WEST LINE OF THE NORTHWEST ¼ OF SAID SECTION 32; THENCE NORTH 30<sup>o</sup>30'49" WEST, 160.90 FEET TO THE SOUTH LINE OF LOT 3, HAVERHILL PLACE, AN OFFICIAL PLAT; THENCE CONTINUING NORTH 30<sup>o</sup>30'49" WEST, 58.80 FEET; THENCE NORTHWEST ALONG A 696.17 FOOT RADIUS CURVE CONCAVE NORTHEAST WITH A CENTRAL ANGLE OF 30<sup>o</sup>24'14", A CHORD DISTANCE OF 365.10 FEET, A CHORD BEARING OF NORTH 15<sup>o</sup>18'42" WEST, FOR AN ARC DISTANCE OF 369.42 FEET; THENCE NORTH 0<sup>o</sup>06'35" WEST 12.38 FEET TO THE NORTH LINE OF SAID LOT 3 AND THE SOUTH RIGHT-OF-WAY LINE OF LITTELL AVENUE; THENCE NORTH 89<sup>o</sup>54'04" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 80.00 FEET; THENCE SOUTH 0<sup>o</sup>06'35" EAST, 12.08 FEET; THENCE SOUTHEAST ALONG A 616.17 FOOT RADIUS CURVE CONCAVE NORTHEAST WITH A CENTRAL ANGLE OF 30<sup>o</sup>24'14", A CHORD DISTANCE OF 323.15 FEET, A CHORD BEARING OF SOUTH 15<sup>o</sup>18'42" EAST, FOR AN ARC DISTANCE OF 326.97 FEET; THENCE SOUTH

30°30'49" EAST, 82.85 FEET TO THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 32; THENCE CONTINUING SOUTH 30°30'49" EAST, 23.16 FEET TO THE SOUTH LINE OF LOT 1, WAKONDA HEIGHTS, AN OFFICIAL PLAT; THENCE CONTINUING SOUTH 30°30'49" EAST, 388.91 FEET; THENCE SOUTH 67°09'25" EAST, 84.12 FEET TO THE NORTH RIGHT-OF-WAY LINE OF RELOCATED ARMY POST ROAD; THENCE SOUTH 69°29'11" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF RELOCATED ARMY POST ROAD, 166.75 FEET TO THE POINT OF BEGINNING, IN AND FORMING A PART OF THE CITY OF DES MOINES, CONTAINING 74,656 SQUARE FEET.

**SW 30<sup>TH</sup> STREET FROM PREVIOUSLY VACATED ARMY POST ROAD TO LITTELL AVENUE:**

LOT A, HAVERHILL PLACE, AN OFFICIAL PLAT, LOT A, HAVERHILL PLACE PLAT 2, AN OFFICIAL PLAT, AND A PARCEL OF LAND IN THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. DESCRIBED AS: BEGINNING AT THE NORWEST CORNER OF LOT 4 HAVERHILL PLACE; THENCE NORTH 25 FEET; THENCE WEST 50 FEET; THENCE SOUTH 25 FEET; THENCE EAST 50 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

**LITTELL AVENUE FROM THE PREVIOUSLY VACATED EAST RIGHT-OF-WAY LINE OF SW 28<sup>TH</sup> COURT TO SW 30<sup>TH</sup> STREET:**

A PART OF LOT B, IN HAVERHILL PLACE, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT B, THENCE CONTINUING NORTH 0° (DEGREES) 12' (MINUTES) 55" (SECONDS) WEST ALONG THE WEST LINE OF SAID LOT B, 50.00 FEET; THENCE CONTINUING SOUTH 89°54'04" EAST ALONG THE NORTH LINE OF SAID LOT B, 500.69 FEET TO THE EAST RIGHT-OF-WAY LINE OF SW 28TH COURT AND THE WEST LIMIT OF PREVIOUSLY VACATED SAID LOT B, THENCE CONTINUING SOUTH 11°26'39" WEST ALONG SAID PREVIOUS VACATION LINE, 51.03 FEET; THENCE NORTH 89°54'04" WEST ALONG THE SOUTH LINE OF SAID LOT B, 510.63 FEET TO THE POINT OF BEGINNING, ALL NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Sec. 2. That this vacation is made for a public purpose and all utilities with facilities within the vacated right-of-way described above are hereby ordered to remove such facilities within ninety (90) days from such right-of-way, unless an express easement is obtained by the City for their continued use and operation.

Sec. 3. That the City Clerk is hereby authorized and directed to cause a 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; with a copy of all documents sent to Bruce Rydberg, Engineering Department, 400 Robert D Ray Drive, Des Moines, 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:

Ann DiDonato, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, 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. 04-403), passed by the City Council of said City at a meeting held February 23, 2004 signed by the Mayor on February 23, 2004 and published as provided by law in the Business Record on March 8, 2004 Authorized by Publication Order No. 4027.

Diane Rauh, City Clerk