

ORDINANCE NO. 14,376

AN ORDINANCE permanently vacating a portion of right-of-way in the vicinity of Evergreen Avenue, S.E. 24<sup>th</sup> Street and East Watrous 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:

Section 1. That a portion of right-of-way in the vicinity of Evergreen Avenue, S.E. 24<sup>th</sup> Street and East Watrous Avenue, be and is hereby permanently vacated.

A part of the Southwest ¼ of the Northwest ¼ of Section 24, Township 78 North, Range 24 West of the 5th P.M. described as follows: Commencing as a point of reference at the Southeast corner of the Southwest ¼ of the Northwest ¼ of said Section 24; thence North 0° (degrees) 37' (minutes) 22" (seconds) West along the East line of the Southwest ¼ of the Northwest ¼ of said Section 24, a distance of 122.62 feet to the point of beginning; thence Northwest along a 420 foot radius curve concaved Northeast with a chord distance of 85.18 feet, a chord bearing of North 45°24'14" West and an arc length of 85.24 feet to the West right of way line of Southwest 24<sup>th</sup> Street; thence North 0°37'22" West along said right of way line, 129.22 feet to the South right of way line of Evergreen Avenue; thence North 72°53'02" West along said South right of way line, 156.60 feet; thence Northwesterly along a 480 foot radius curve concaved Southwest with a chord distance of 103.86 feet, a chord bearing of North 55°12'05" West and an arc length of 104.07 feet; thence North 61°24'45" West, 143.06 feet to the North right of way line of Evergreen Avenue; thence South 72°53'02" East along said North right of way line, 439.56 feet to the East right of way line of Southeast 24th Street, also being the East line of the Southwest ¼ of the Northwest ¼ of said Section 24; thence South 0°37'22" East along said right of way line, 233.48 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 28,185.93 square feet or 0.65 Acres.

Sec. 2. The City of Des Moines hereby reserves an easement upon the property described above and 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:

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. 04-2086), passed by the City Council of said City at a meeting held September 27, 2004 signed by the Mayor on September 27, 2004 and published as provided by law in the Business Record on October 11, 2004 Authorized by Publication Order No.4384.

Diane Rauh, City Clerk