

ORDINANCE NO. 14,444

AN ORDINANCE vacating a strip of 62<sup>nd</sup> Street right-of-way between Grand Avenue and Walnut Hill Drive and repealing Ordinance No. 14,001.

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;

WHEREAS, by Ordinance No. 14,001, passed October 8, 2001, after notice and public hearing, the City Council intended to vacate the right-of-way described below, but said Ordinance contains an error in the legal description; and

WHEREAS, it is desirable that the property 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 62<sup>nd</sup> Street right-of-way between Grand Avenue and Walnut Hill Drive, more specifically described as follows, is hereby vacated:

AN IRREGULARLY SHAPED PORTION OF LOT D (62<sup>nd</sup> 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 BELOW AS FOLLOWS:

BEGINNING AT A ¾ INCH IRON PIPE WITH ID. CAP 12971 AT THE NORTHWEST CORNER OF LOT 56 IN SAID GRAND AVENUE WATERBURY; THENCE SOUTH 08° (DEGREES) 14' (MINUTES) 56" (SECONDS) EAST (ASSUMED FOR THE PURPOSE OF THIS DESCRIPTION) ALONG THE WESTERLY LINE OF LOTS 56, 57, E AND 60 IN SAID GRAND AVENUE WATERBURY, A DISTANCE OF 233.36 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 22°11'33" WEST, A DISTANCE OF 28.01 FEET; THENCE NORTH 08°14'56" 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 00°00'36" WEST, A DISTANCE OF 47.01 FEET TO THE WESTERLY LINE OF LOT 55 IN SAID GRAND AVENUE WATERBURY; THENCE SOUTH 08°14'56" 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. That this vacation is subject to the maintenance and upkeep of any easements, encroachments or public utilities in place.

Sec. 3. That Ordinance No. 14,001, passed October 8, 2001 is hereby repealed. This Ordinance is intended to replace Ordinance No. 14,001 which contains an error in the description of the right-of-way intended to be vacated.

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

Archie Brooks, Mayor Pro Tem

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. 05-1192), passed by the City Council of said City at a meeting held May 9, 2005 signed by the Mayor Pro Tem on May 9, 2005 and published as provided by law in the Business Record on May 23, 2005 Authorized by Publication Order No. 4801.

Diane Rauh, City Clerk