

ORDINANCE NO. 14,583

AN ORDINANCE vacating a portion of Stanton Avenue, subject to appropriate avigation easements and building requirements that will mitigation aircraft noise.

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 Stanton Avenue, subject to appropriate avigation easements and building requirements that will mitigate aircraft noise, more specifically described as follows, be and is hereby vacated.

A PART OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 19; THENCE NORTH 0°(DEGREES) 11'(MINUTES) 40"(SECONDS) EAST ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 19, A DISTANCE OF 1,348.49 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10; THENCE SOUTH 89°50'18" EAST, 315.92 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF MCKINLEY AVENUE AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°50'18" EAST ALONG THE SOUTH LINE OF SAID LOT 10, A DISTANCE OF 118.08 FEET; THENCE SOUTHWEST ALONG A 276.35 FOOT RADIUS CURVE, CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 22°17'09", A CHORD DISTANCE OF 106.81 FEET, AND A CHORD BEARING OF SOUTH 73°13'36" WEST, FOR AN ARC DISTANCE OF 107.49 FEET; THENCE NORTH 26°54'28" WEST, 34.94 FEET TO THE POINT OF BEGINNING; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING 1,465 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.

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:

David A. Ferree, 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. 06-1800), passed by the City Council of said City at a meeting held September 11, 2006 and signed by the Mayor on September 11, 2006 and published as provided by law in the Business Record on September 25, 2006 Authorized by Publication Order No. 5142.

Diane Rauh, City Clerk