

ORDINANCE NO. 14,603

AN ORDINANCE vacating portions of rights-of-way located at the Southwest corner of County Line Road and Fleur 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 portions of rights-of-way located at the Southwest corner of County Line Road and Fleur Drive, more specifically described as follows, be and is hereby vacated.

**PARCEL "A"**

A TRACT OF LAND LOCATED IN THE NE FRL  $\frac{1}{4}$  NW FRL  $\frac{1}{4}$  OF SECTION 5 AND IN THE NW FRL  $\frac{1}{4}$  NW FRL  $\frac{1}{4}$  OF SECTION 5, ALL IN TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, WARREN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE N  $\frac{1}{4}$  CORNER OF SAID SECTION 5; THENCE NORTH 89°(DEGREES) 59'(MINUTES) 30"(SECONDS) WEST ALONG THE NORTH LINE OF NW FRL  $\frac{1}{4}$  OF SAID SECTION, A DISTANCE OF 162.23 FEET; THENCE SOUTH 00°00'30" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, AND THE POINT OF BEGINNING; THENCE SOUTH 77°38'00" WEST ALONG SAID EXISTING RIGHT-OF-WAY LINE, A DISTANCE OF 726.99 FEET TO A DEFLECTION POINT IN SAID LINE; THENCE NORTH 89°27'29" WEST ALONG SAID LINE, A DISTANCE OF 415.71 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 83<sup>RD</sup> AVENUE; THENCE NORTH 89°20'28" WEST, A DISTANCE OF 79.78 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID 83<sup>RD</sup> AVENUE; THENCE NORTH 00°21'14" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 9.52 FEET; THENCE 48.60 FEET ALONG A 11,532.91 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, WHOSE CHORD LENGTH IS 48.60 FEET AND BEARS NORTH 81°32'05" EAST; THENCE NORTH 81°24'50" EAST, A DISTANCE OF 656.17 FEET; THENCE 484.62 FEET ALONG A 3,230.83 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, WHOSE CHORD LENGTH IS 484.17 FEET AND BEARS NORTH 85°42'40" EAST; THENCE SOUTH 89°59'30" EAST, A DISTANCE OF 25.83 FEET, TO THE POINT OF BEGINNING; CONTAINING 1.46 ACRES, OF WHICH 1.45 ACRES ARE IN THE NE FRL  $\frac{1}{4}$  NW FRL  $\frac{1}{4}$ , AND 0.01 ACRES ARE IN THE NW FRL  $\frac{1}{4}$  NW FRL  $\frac{1}{4}$ .

**PARCEL "B"**

A TRACT OF LAND LOCATED IN THE NE FRL  $\frac{1}{4}$  NW FRL  $\frac{1}{4}$  OF SECTION 5, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., ALL NOW INCLUDED IN

AND FORMING A PART OF THE CITY OF DES MOINES, WARREN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE N ¼ CORNER OF SAID SECTION 5; THENCE NORTH 89°(DEGREES) 59'(MINUTES) 30"(SECONDS) WEST ALONG THE NORTH SECTION LINE OF SAID NW ¼, A DISTANCE OF 103.69 FEET; THENCE SOUTH 00°00'30" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF FLEUR DRIVE, AND THE POINT OF BEGINNING; THENCE SOUTH 89°59'30" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, A DISTANCE OF 19.53 FEET; THENCE SOUTH 00°10'49" WEST, A DISTANCE OF 322.72 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF IOWA HIGHWAY 5; THENCE NORTH 89°44'40" WEST ALONG SAID LINE, A DISTANCE OF 44.99 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF FLEUR DRIVE, THENCE NORTH 04°41'34" EAST ALONG SAID LINE, A DISTANCE OF 323.61 FEET TO THE POINT OF BEGINNING; CONTAINING 0.24 ACRES.

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:

*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. 06-2210), passed by the City Council of said City at a meeting held November 6, 2006 signed by the Mayor on November 6, 2006 and published as provided by law in the Business Record on November 20, 2006 Authorized by Publication Order No. 5412.

Diane Rauh, City Clerk