

ORDINANCE NO. 14,967

AN ORDINANCE vacating a portion of the Urbandale Avenue right-of-way adjoining 4041 Urbandale Avenue for use as a sidewalk cafe.

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, as follows:

Section 1. That a portion of the Urbandale Avenue right-of-way adjoining 4041 Urbandale Avenue, more specifically described as follows, be and is hereby vacated:

A PART OF URBANDALE AVENUE RIGHT-OF-WAY BEING IN THE SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 29, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 9, BEAVER GLEN, AN OFFICIAL PLAT; THENCE SOUTH 65°38'13" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 9, A DISTANCE OF 225.23 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 65°38'13" EAST ALONG SAID SOUTHERLY LINE, 62.37 FEET; THENCE SOUTH 69°21'47" WEST, 2.17 FEET; THENCE NORTH 65°38'13" WEST, 4.47 FEET; THENCE SOUTH 69°21'47" WEST, 6.39 FEET; THENCE NORTH 65°38'13" WEST, 35.26 FEET; THENCE NORTH 20°38'13" WEST, 6.32 FEET; THENCE NORTH 65°38'13" WEST, 10.50 FEET; THENCE NORTH 20°38'13" WEST, 2.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 274 S.F.

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:

Roger K. Brown, 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. 10-1765), passed by the City Council of said City at a meeting held October 25, 2010 signed by the Mayor on October 11, 2010 and published as provided by law in the Business Record on November 8, 2010. Authorized by Publication Order No. 7178.

Diane Rauh, City Clerk