

ORDINANCE NO. 14,994

AN ORDINANCE vacating the segment of Gannett Avenue extending east from SW 34th Street and a segment of SW 34th Street extending north from Gannett 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 the segment of Gannett Avenue extending east from SW 34th Street and a segment of SW 34th Street extending north from Gannett Avenue, all as more specifically described below, be and are hereby vacated:

**Gannett Avenue right-of-way described as follows:**

A PARCEL OF LAND WITHIN LOT 'C', AIRPORT BUSINESS PARK PLAT NO. 2, AN OFFICIAL PLAT, RECORDED IN BOOK 9434, PAGES 630-659 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLY MOST CORNER OF SAID LOT 'C'; THENCE S46°44'31"W, 7.26 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 'C' TO A POINT OF CURVATURE; THENCE WESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 835.00 FEET, A CHORD BEARING OF S68°28'32"W; AN ARC LENGTH OF 633.47 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 'C' TO A POINT; THENCE N00°21'12"E, 70.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 'C'; THENCE EASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 765.00 FEET, A CHORD BEARING OF N68°28'09"E; AN ARC LENGTH OF 580.19 FEET ALONG THE NORTHERLY LINE OF SAID LOT 'C' TO A POINT OF TANGENCY; THENCE N46°44'31"E, 7.26 FEET ALONG SAID NORTHERLY LINE TO A POINT; THENCE S43°15'29"E, 70.00 FEET ALONG THE EASTERLY LINE OF SAID LOT 'C' TO THE POINT OF BEGINNING AND CONTAINING 42,986 SQUARE FEET MORE OR LESS.

**SW 34th Street right-of-way described as follows:**

A PARCEL OF LAND WITHIN LOT 'B', AIRPORT BUSINESS PARK PLAT NO. 2, AN OFFICIAL PLAT, RECORDED IN BOOK 9434, PAGES 630-659 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 'B'; THENCE N00°21'12"E, 146.72 FEET ALONG THE WESTERLY LINE OF SAID LOT 'B' TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 535.00 FEET, A CHORD BEARING OF N15°49'56"E; AN ARC LENGTH OF 289.07 FEET ALONG SAID WESTERLY LINE TO A POINT OF REVERSE CURVATURE;

THENCE NORTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 465.00 FEET, A CHORD BEARING OF N15°49'56"E, AN ARC LENGTH OF 251.25 FEET ALONG SAID WESTERLY LINE TO A POINT; THENCE S89°38'48"E, 70.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 'B'; THENCE SOUTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 535.00 FEET, A CHORD BEARING OF S15°49'56"W, AN ARC LENGTH OF 289.07 FEET ALONG SAID EASTERLY LINE TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 465.00 FEET, A CHORD BEARING OF S15°49'56"W, AN ARC LENGTH OF 251.25 FEET ALONG SAID EASTERLY LINE TO A POINT OF TANGENCY; THENCE S00°21'12"W, 146.72 FEET ALONG SAID EASTERLY LINE TO A POINT; THENCE WESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 765.00 FEET, A CHORD BEARING OF N89°43'31"W, AN ARC LENGTH OF 2.10 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 'B' TO A POINT OF TANGENCY; THENCE N89°38'48"W, 67.90 FEET ALONG SAID SOUTHERLY LINE TO THE POINT OF BEGINNING AND CONTAINING 1.104 ACRES 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 a 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. 11-0349), passed by the City Council of said City at a meeting held February 28, 2011 signed by the Mayor on February 28, 2011 and published as provided by law in the Business Record on March 18,

2011. Authorized by Publication Order No. 7455.

Diane Rauh, City Clerk