

ORDINANCE NO. 15,141

AN ORDINANCE vacating a portion of the north/south alley between SE 14th Street and SE 14th Court, south of East Market Street; a portion of SE 14th Court south of East Market Street and north of Scott Avenue; a portion of the north/south alley between SE 14th Court and SE 15th Street, south of East Market Street; and a portion of SE 15th Street south of East Market and north of vacated Raccoon Street.

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:

Sec. 1. That a portion of the north/south alley between SE 14th Street and SE 14th Court, south of East Market Street; a portion of SE 14th Court south of East Market Street and north of Scott Avenue; a portion of the north/south alley between SE 14th Court and SE 15th Street, south of East Market Street; and a portion of SE 15th Street south of East Market and north of vacated Raccoon Street, more specifically described as follows, be and is hereby vacated.

LEGAL DESCRIPTION TRACT 1:

A PORTION OF THE NORTH/SOUTH ALLEY ADJOINING LOTS 24 AND 25, BENNETT PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 24; THENCE NORTH 89°(DEGREES) 46'(MINUTES) 39"(SECONDS) WEST, 14.00 FEET TO THE WEST LINE OF SAID NORTH/SOUTH ALLEY; THENCE NORTH 00°10'02" WEST, 20.28 FEET ON SAID WEST LINE; THENCE NORTHEAST 15.64 FEET ON A 453.34 FOOT RADIUS CURVE TO THE LEFT, WITH A CHORD LENGTH OF 15.64 FEET AND BEARS NORTH 63°23'02" EAST TO THE EAST LINE OF SAID ALLEY; THENCE SOUTH 00°10'02" EAST, 27.34 FEET ON SAID EAST LINE TO THE POINT OF BEGINNING, CONTAINING LESS THAN 0.01 ACRES (333 SQUARE FEET) MORE OR LESS.

LEGAL DESCRIPTION TRACT 2:

A PORTION OF SOUTHEAST 14TH COURT ADJOINING LOTS 11, 12, 22, AND 23, BENNETT PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF LOT 8 OF SAID BENNETT PLACE; THENCE NORTH 89°(DEGREES) 46'(MINUTES) 39"(SECONDS) WEST, 286.52 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 14TH COURT; THENCE NORTH 00°05'26" WEST, 83.97 FEET ON SAID EAST RIGHT OF WAY LINE TO THE POINT OF

BEGINNING; THENCE SOUTH 57°58'31" WEST, 58.92 FEET TO THE WEST RIGHT OF WAY LINE OF SAID SOUTHEAST 14TH COURT; THENCE NORTH 00°05'26" WEST, 58.92 FEET ON SAID WEST RIGHT OF WAY LINE; THENCE NORTH 57°58'31" EAST, 58.92 FEET TO THE EAST RIGHT OF WAY LINE OF SAID SOUTHEAST 14TH COURT; THENCE SOUTH 00°05'26" EAST, 58.92 FEET ON SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES (2,946 SQUARE FEET) MORE OR LESS.

LEGAL DESCRIPTION TRACT 3:

A PORTION OF THE NORTH/SOUTH ALLEY ADJOINING LOTS 3, 4, 13, AND 14, BENNETT PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF LOT 8 OF SAID BENNETT PLACE; THENCE NORTH 89°(DEGREES) 46'(MINUTES) 39"(SECONDS) WEST, 136.26 FEET TO THE EAST RIGHT OF WAY LINE OF SAID NORTH/SOUTH ALLEY; THENCE NORTH 00°00'48" WEST, 178.59 FEET ON SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE SOUTH 57°58'31" WEST, 16.51 FEET TO THE WEST RIGHT OF WAY LINE OF SAID NORTH/SOUTH ALLEY; THENCE NORTH 00°00'48" WEST, 58.97 FEET ON SAID WEST RIGHT OF WAY LINE; THENCE NORTH 57°58'31" EAST, 16.51 FEET TO THE EAST RIGHT OF WAY LINE OF SAID NORTH/SOUTH ALLEY; THENCE SOUTH 00°00'48" EAST, 58.97 FEET ON SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING, CONTAINING 0.02 ACRES (826 SQUARE FEET) MORE OR LESS.

LEGAL DESCRIPTION TRACT 4:

A PORTION OF SOUTHEAST 15TH STREET ADJOINING LOTS 1 AND 2, BENNETT PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF LOT 8 OF SAID BENNETT PLACE; THENCE NORTH 00°(DEGREES) 03'(MINUTES) 46"(SECONDS) EAST, 264.55 FEET ON THE WEST RIGHT OF WAY LINE OF SAID SOUTHEAST 15TH STREET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°03'46" EAST, 59.02 FEET ON SAID WEST RIGHT OF WAY LINE; THENCE NORTH 57°58'31" EAST, 94.42 FEET TO THE EAST RIGHT OF WAY LINE OF SAID SOUTHEAST 15TH STREET; THENCE SOUTH 00°03'46" WEST, 59.02 FEET ON SAID EAST RIGHT OF WAY LINE; THENCE SOUTH 57°58'31" WEST, 94.42 FEET TO THE POINT OF BEGINNING, CONTAINING 0.11 ACRES (4,721 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:

Glenna K. Frank, 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. 12-1730), passed by the City Council of said City at a meeting held November 5, 2012 signed by the Mayor on November 5, 2012 and published as provided by law in the Business Record on November 23, 2012. Authorized by Publication Order No. 7948.

Diane Rauh, City Clerk