

ORDINANCE NO. 15,407

AN ORDINANCE vacating an irregular-shaped segment of the eastern portion of Southeast 40th Street adjoining 4491 Southeast 40th 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 an irregular-shaped segment of the eastern portion of Southeast 40th Street adjoining 4491 Southeast 40th Street, more specifically described as follows, be and is hereby vacated:

-Except the North 27 Feet-, All of the Parcel of Land Recorded in Book 6193 Page 963 at the Recorder's Office of Polk County, Iowa and Described as Follows:

A parcel of land located in the southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$, Section 20, T-78-N, R-23-W, of the 5th P.M., Polk County, Iowa, more specifically described as follows:

Beginning at the northwest corner of the southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$, Section 20, T-78-N, R-23-W; thence east along the north line of the southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$, 539.3 feet to the west right-of-way line of the Chicago and Northwestern Railroad; thence southeasterly along the west right-of-way line of the Chicago and Northwestern Railroad, 84.85 feet: thence west, 459.3 feet: thence southwesterly 198.0 feet to a point on the west line of the southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$, Section 20, T-78-N, R-23-W: thence north along the west line of the southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$, 200.0 feet to the point of beginning, exclusive of present established highways,

And

-Except the West 33 Feet-, All of the Parcel of Land Recorded in Book 6548 Page 466 at the Recorder's Office of Polk County, Iowa and Described as Follows:

A parcel of land located in the north 17.37 acres of the west 23.87 acres in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 20, T-78-N, R-23-W of the 5th P.M., Polk County, Iowa, more specifically described as follows:

Commencing at the northwest corner of the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 20, T-78-N, R-23-W; thence south along the west line of the SE $\frac{1}{4}$, SW $\frac{1}{4}$, 200.0 feet to the point of beginning; thence northeasterly 84.9 feet; thence south, 800.5 feet; thence west 60.0 feet to the west line of the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 20; thence north along the west line of the SE $\frac{1}{4}$, SW $\frac{1}{4}$, 740.5 feet to the point of beginning;

All now included in and forming a part of the City of Des Moines, Polk County, Iowa and containing approximately 26,969 Square Feet.

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:

Lisa A. Wieland, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Laura Baumgartner, Chief Deputy 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. 15-1642), passed by the City Council of said City at a meeting held September 28, 2015 signed by the Mayor on September 28, 2015 and published and provided by law in the Business Record on October 16, 2015. Authorized by Publication Order No. 9326.

Laura Baumgartner, Chief Deputy City Clerk