

ORDINANCE NO. 15,651

AN ORDINANCE vacating approximately 5.79 acres of parkland located along the Des Moines River east of 2nd Avenue, north of the Iowa Women of Achievement Bridge, and south of Interstate 235, Des Moines, Iowa.

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 approximately 5.79 acres of parkland located along the Des Moines River east of 2nd Avenue, north of the Iowa Women of Achievement Bridge, and south of Interstate 235, Des Moines, Iowa, more specifically described as follows, be and is hereby vacated.

ALL OF BLOCK H, RIVER HILLS PLAT ONE, AN OFFICIAL PLAT;

AND

A PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK H OF SAID RIVER HILLS PLAT ONE; THENCE NORTHEASTLY ALONG THE EAST LINE OF SAID BLOCK H TO A POINT ON A NORTH LINE OF SAID BLOCK H, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID BLOCK H; THENCE EASTERLY ALONG THE EASTERLY EXTENSION OF SAID NORTH LINE OF SAID BLOCK H TO THE WEST BANK OF THE DES MOINES RIVER; THENCE SOUTHWESTERLY ALONG SAID WEST BANK TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK H; THENCE WESTERLY ALONG SAID EASTERLY EXTENSION 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 5.79 ACRES (252,221 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 upon occurrence of the condition that Polk County has received at least 50% of the costs of constructing a skateboard park, including a \$225,000 maintenance fund and pledges for

the remaining costs, pursuant to the Cooperative Public Service Agreement between Polk County and the City of Des Moines, 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 and upon satisfaction of the conditions in Section 3 above.

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. 18-0530), passed by the City Council of said City at a meeting held March 26, 2018 signed by the Mayor on March 26, 2018 and published and provided by law in the Business Record on April 13, 2018. Authorized by Publication Order No. 10317.

Diane Rauh, City Clerk