

★ Roll Call Number

Agenda Item Number

40A

Date November 6, 2006

An Ordinance entitled, "AN ORDINANCE vacating portions of rights-of-way located at the Southwest corner of County Line Road and Fleur Drive",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

Mayor

City Clerk

40A

Prepared by: Ann DiDonato, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50320 (515) 283-4130

ORDINANCE NO. _____

AN ORDINANCE vacating portions of rights-of-way located at the Southwest corner of County Line Road and Fleur Drive.

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 portions of rights-of-way located at the Southwest corner of County Line Road and Fleur Drive, more specifically described as follows, be and is hereby vacated.

PARCEL "A"

A TRACT OF LAND LOCATED IN THE NE FRL ¼ NW FRL ¼ OF SECTION 5 AND IN THE NW FRL ¼ NW FRL ¼ OF SECTION 5, ALL IN TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, WARREN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE N ¼ CORNER OF SAID SECTION 5; THENCE NORTH 89°(DEGREES) 59'(MINUTES) 30"(SECONDS) WEST ALONG THE NORTH LINE OF NW FRL ¼ OF SAID SECTION, A DISTANCE OF 162.23 FEET; THENCE SOUTH 00°00'30" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, AND THE POINT OF BEGINNING; THENCE SOUTH 77°38'00" WEST ALONG SAID EXISTING RIGHT-OF-WAY LINE, A DISTANCE OF 726.99 FEET TO A DEFLECTION POINT IN SAID LINE; THENCE NORTH 89°27'29" WEST ALONG SAID LINE, A DISTANCE OF 415.71 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 83RD AVENUE; THENCE NORTH 89°20'28" WEST, A DISTANCE OF 79.78 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID 83RD AVENUE; THENCE NORTH 00°21'14" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 9.52 FEET; THENCE 48.60 FEET ALONG A 11,532.91 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, WHOSE CHORD LENGTH IS 48.60

DESCRIPTION REVIEWED
[Signature]
Do 11/17/06 12:53

FEET AND BEARS NORTH 81°32'05" EAST; THENCE NORTH 81°24'50" EAST, A DISTANCE OF 656.17 FEET; THENCE 484.62 FEET ALONG A 3,230.83 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, WHOSE CHORD LENGTH IS 484.17 FEET AND BEARS NORTH 85°42'40" EAST; THENCE SOUTH 89°59'30" EAST, A DISTANCE OF 25.83 FEET, TO THE POINT OF BEGINNING; CONTAINING 1.46 ACRES, OF WHICH 1.45 ACRES ARE IN THE NE FRL ¼ NW FRL ¼, AND 0.01 ACRES ARE IN THE NW FRL ¼ NW FRL ¼.

PARCEL "B"

A TRACT OF LAND LOCATED IN THE NE FRL ¼ NW FRL ¼ OF SECTION 5, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, WARREN COUNTY, IOWA, DESCRIBED AS FOLLOWS:


COMMENCING AT THE N ¼ CORNER OF SAID SECTION 5; THENCE NORTH 89°(DEGREES) 59'(MINUTES) 30"(SECONDS) WEST ALONG THE NORTH SECTION LINE OF SAID NW ¼, A DISTANCE OF 103.69 FEET; THENCE SOUTH 00°00'30" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF FLEUR DRIVE, AND THE POINT OF BEGINNING; THENCE SOUTH 89°59'30" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, A DISTANCE OF 19.53 FEET; THENCE SOUTH 00°10'49" WEST, A DISTANCE OF 322.72 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF IOWA HIGHWAY 5; THENCE NORTH 89°44'40" WEST ALONG SAID LINE, A DISTANCE OF 44.99 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF FLEUR DRIVE, THENCE NORTH 04°41'34" EAST ALONG SAID LINE, A DISTANCE OF 323.61 FEET TO THE POINT OF BEGINNING; CONTAINING 0.24 ACRES.

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:

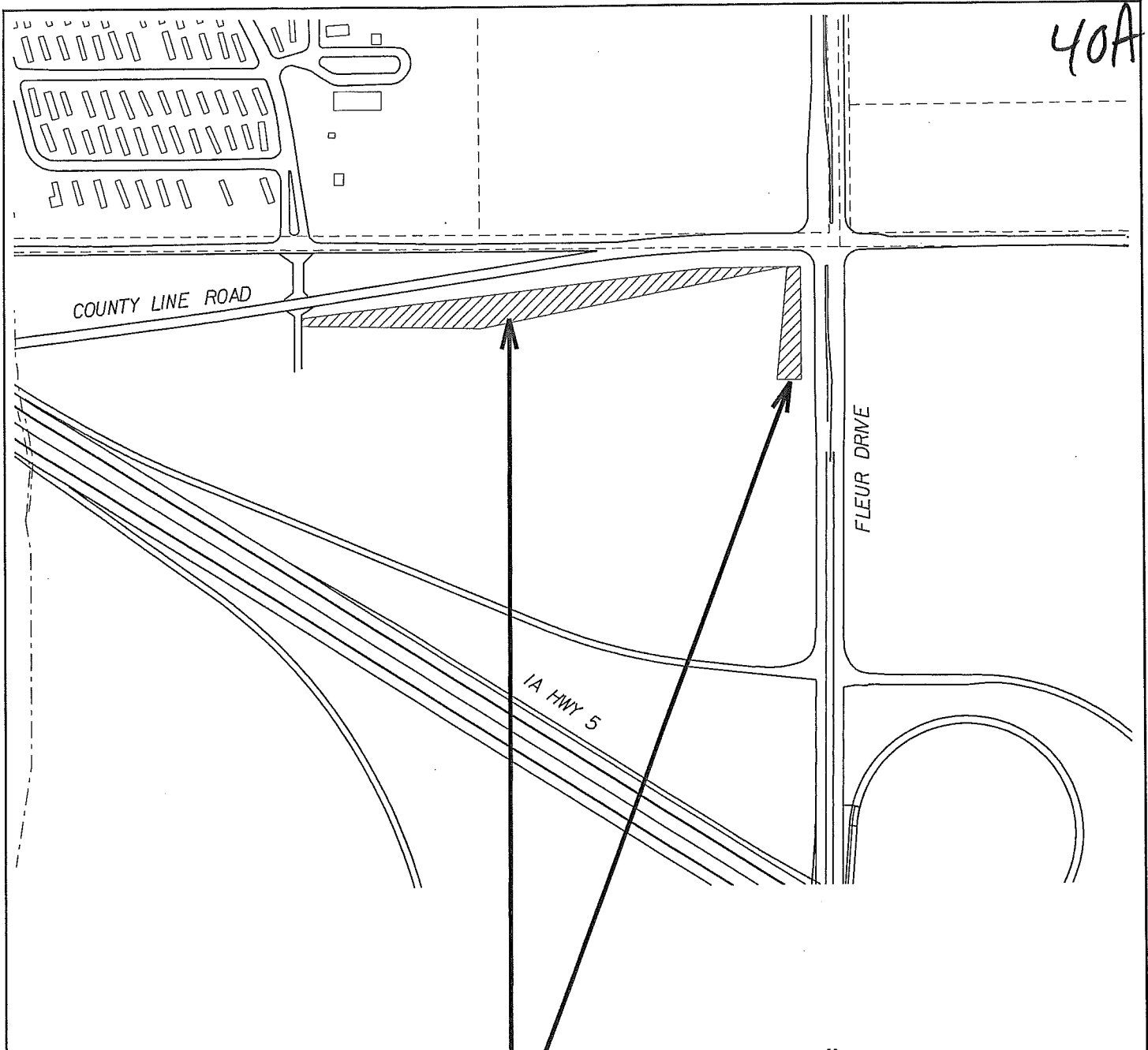


Ann DiDonato
Assistant City Attorney

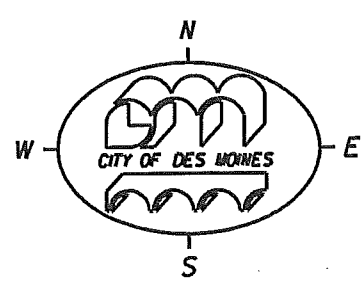
DESCRIPTION REVIEWED

10/27/06 10:58

40A



**PROPERTY
LOCATION**



**PROPERTY DISPOSITION
UNITED PROPERTIES INVESTMENT CO., LC
COUNTY LINE ROAD & FLEUR DRIVE
ACTIVITY I.D. 34-2006-003**