



Roll Call Number

Agenda Item Number

61A

Date July 17, 2023

An Ordinance entitled, "AN ORDINANCE vacating parkland located along the Des Moines River east of Illinois Street, south of University Avenue, and north of Interstate 235",

presented.

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

FORM APPROVED:

(First of three required readings)

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

_____ Mayor

_____ City Clerk

b1A

Prepared by: Chas M. Cahill, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4533
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

ORDINANCE NO. _____

AN ORDINANCE vacating parkland located along the Des Moines River east of Illinois Street, south of University Avenue, and north of Interstate 235.

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 parkland located along the Des Moines River east of Illinois Street, south of University Avenue, and north of Interstate 235, more specifically described as follows, be and is hereby vacated:

A PARCEL OF LAND BEING PART OF LOT 2, BLOCK 'C', RIVER HILLS PLAT ONE, CITY OF DES MOINES, POLK COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2, RIVER HILLS PLAT FIVE, IN SAID CITY OF DES MOINES, SAID POINT ALSO BEING ON THE SOUTH LINE OF UNIVERSITY AVENUE RIGHT-OF-WAY; THENCE S89°58'49"E, 60.00 FEET ALONG THE SOUTH LINE OF UNIVERSITY AVENUE RIGHT-OF-WAY TO THE EAST LINE OF ILLINOIS STREET RIGHT-OF-WAY; THENCE S00°02'32"E, 95.14 FEET ALONG SAID EAST LINE OF ILLINOIS STREET RIGHT-OF-WAY; THENCE CONTINUING ALONG SAID EAST LINE OF ILLINOIS STREET RIGHT-OF-WAY S26°53'53"W, 821.95 FEET TO THE POINT OF BEGINNING; THENCE S63°08'28"E, 160.30 FEET; THENCE S31°06'50"W, 425.68 FEET TO THE BEGINNING OF A 515 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY 78.64 FEET ALONG SAID CURVE, LONG CHORD BEARS S26°44'22"W, 78.56 FEET; THENCE S22°21'54"W, 161.55 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE

N85°37'33"W, 153.72 FEET ALONG THE SOUTH LINE OF SAID LOT 2 TO THE SOUTHWEST CORNER THEREOF; THENCE N26°53'53"E, 313.97 FEET TO THE SOUTHEAST CORNER OF ILLINOIS STREET RIGHT-OF-WAY; THENCE N26°53'53"E, 408.93 FEET ALONG THE EAST LINE OF ILLINOIS STREET RIGHT-OF-WAY TO THE POINT OF BEGINNING.
AREA OF SAID PARCEL #2023-45 IS 97,485 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:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney