

ORDINANCE NO. 15,855

AN ORDINANCE vacating excess East Martin Luther King, Jr. Parkway right-of-way adjoining 1422 Scott Avenue.

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 excess East Martin Luther King, Jr. Parkway right-of-way adjoining 1422 Scott Avenue, more specifically described as follows, be and is hereby vacated:

A PORTION OF LOT 49 IN BROOKS AND CO'S ADDITION TO THE CITY OF DES MOINES, NOW INCLUDED IN AND FORMING PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AS SHOWN ON CORRECTED PLAT OF SURVEY BOOK 13570, PAGE 766, SAID PORTION WAS ACQUIRED BY CONDEMNATION PROCEEDINGS FILED IN BOOK 15052, PAGE 572, AND IS ALSO A PORTION OF RIGHT OF WAY TRACT 1 AS SHOWN ON PLAT OF SURVEY, RIGHT OF WAY DEDICATION AND DISPOSAL PARCELS FOR EAST MARTIN LUTHER KING JR. PARKWAY IN BOOK 15696, PAGE 382, ALL RECORDED IN THE POLK COUNTY, IOWA, RECORDER'S OFFICE AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF SAID LOT 49; THENCE NORTH 00°(DEGREES) 01'(MINUTES) 38"(SECONDS) WEST, 215.04 FEET ON THE WEST LINE OF SAID LOT 49 TO THE PRESENTLY ESTABLISHED SOUTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR. PARKWAY; THENCE SOUTH 89°58'52" EAST, 25.00 FEET ON SAID SOUTH RIGHT OF WAY LINE TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 14TH STREET AND THE POINT OF BEGINNING; THENCE NORTH 00°01'38" WEST, 97.44 FEET ON SAID EAST RIGHT OF WAY LINE;

THENCE SOUTH 72°13'56" EAST, 62.26 FEET; THENCE 38.00 FEET ON A 113.00 FOOT RADIUS CURVE TO THE LEFT WITH A CHORD BEARING SOUTH 81°32'26" EAST, 37.82 FEET; THENCE NORTH 88°49'28" EAST, 8.05 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE FORMER CHICAGO BURLINGTON AND QUINCY RAILROAD; THENCE 110.55 FEET ON A 4919.09 FOOT RADIUS CURVE TO THE RIGHT WITH A CHORD BEARING SOUTH 70°37'02" EAST, 110.55 FEET ON SAID SOUTHERLY RIGHT OF WAY LINE; THENCE SOUTH 69°38'46" EAST, 104.81 FEET ON SAID SOUTHERLY RIGHT OF WAY LINE TO SAID SOUTH RIGHT OF WAY LINE; THENCE NORTH 89°58'52" WEST, 307.25 FEET TO THE POINT OF BEGINNING, CONTAINING 0.37 ACRES (16,113 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

Lisa A. Wieland, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, P. Kay Cmelik, 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. 20-0167), passed by the City Council of said City at a meeting held January 27, 2020 signed by the Mayor on January 27, 2020 and published and provided by law in the Business Record on February 14, 2020. Authorized by Publication Order No. 10985.

P. Kay Cmelik, City Clerk