NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: April 20, 2020

ITEM: **Ordinance** – Approval of the second reading, waive third reading and adopt in final form the vacation of a portion of Booneville Road right of way.

FINANCIAL IMPACT: None

SYNOPSIS: Roadway easement recorded on August 19, 1977 (Book 547, Page 48) for the construction of Booneville Road contained inaccurate legal descriptions and do not encompass Boonville Road as-built. The appropriate City staff have determined the original, inaccurate easement is unnecessary surplus property that should be vacated and terminated to clear title for the affected property owner. The correct right of way has been obtained through the platting process.

The attached ordinance vacates that portion of the right of way which was incorrectly described for Booneville Road.

RECOMMENDATION:

City staff recommends the City Council approve the second reading, waive the third reading and adopt in final form the Ordinance vacating a portion of Booneville Road right of way.

Lead Staff Member: Jessica Spoden, Assistant City Attorney

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	Richard J. Scieszinski, City Attorney
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Dates(s) Published	03/24/2020

SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation			

ATTACHMENTS:
Exhibit I – Ordinance

ORDINANCE

(Type of Document)

Preparer Information:	**Jessica Spoden, Assistant City Attorney** **4200 Mills Civic Parkway** **PO Box 65320** **West Des Moines, IA 50265** **515-222-3613**
Taxpayer Information:	**N/A**
Return Document To:	**City Clerk** **City of West Des Moines** **PO Box 65320** **West Des Moines IA 50265** **515-222-3603**
Grantors:	**N/A**
Grantees:	**N/A**
Legal Description:	**as shown on the attached**
Related documents:	**Easement recorded August 19, 1977 at Book 547, Page 48; Resolution Approving Termination of Public Roadway Easement recorded in Book 2020 Page _____.**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WEST DES MOINES, IOWA VACATING A PORTION OF THE BOONEVILLE ROAD RIGHT OF WAY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. Pursuant to Title 7, Chapter 1, Section 10 of the West Des Moines Code of Ordinances, "VACATION AND DISPOSAL," it has been determined that the following City right-of-way is no longer necessary for public use and that vacation of the right-of-way will not deny access to abutting property:

That portion of Booneville Road, West Des Moines, Dallas County, Iowa, legally described as follows:

> Commencing at the E¼ corner of Sec. 22, T78N, R26W of the 5th PM Dallas County Iowa, thence S84°17'W 1080.6 ft., thence S81°49'W 1566.2 ft. to the point of beginning thence S8°11'E 60.0 ft., thence S81°49'E 415.8 ft. thence N46°21'W 73.6 ft., thence N81°49'E 450.6 ft to the point of beginning containing 0.27 acres more or less, exclusive of present established highways.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase, or part hereof not adjudged invalid, or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED by this _____ day of _____, 2020.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

I certify that the foregoing was published as Ordinance No._____ on the _____day of _____, 2020.

_____
Ryan T. Jacobson, City Clerk