

**WHEN RECORDED RETURN TO:**

City of Ankeny, City Clerk  
410 W 1<sup>st</sup> Street  
Ankeny, IA 50023

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Preparer Information: Laura Hutzell, City of Ankeny, 1210 NW Prairie Ridge Drive, Ankeny, IA 50023

Phone: 515-965-6445

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**ORDINANCE**

**AN ORDINANCE VACATING A SERIES OF PUBLIC EASEMENTS**

**WHEREAS**, pursuant to notice published in the manner required by law, on the 19th day of August, 2024, the City Council of the City of Ankeny, Iowa, held a public hearing on a proposal to vacate a series of public easements associated with the following legally described property:

**62.46' ROW Easement & Access Rights (BK 10256 PG 526):**

A PART OF THE SOUTHWEST  $\frac{1}{4}$  OF THE NORTHWEST FRACTIONAL  $\frac{1}{4}$  OF SECTION 6, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5<sup>TH</sup> P.M., POLK COUNTY, IOWA SHOWN ON ACQUISITION PLAT, EXHIBIT "A", ATTACHED HERETO, WHICH BY THIS REFERENCE IS MADE A PART HEREOF.

COMMENCING AT THE WEST  $\frac{1}{4}$  CORNER OF SAID SECTION 6; THENCE NORTH 00°00'15" EAST ALONG THE WEST LINE OF SAID NORTHWEST FRACTIONAL  $\frac{1}{4}$ , 586.78 FEET; THENCE SOUTH 89°38'17" EAST, 50.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF S.E. 22<sup>ND</sup> STREET AND THE POINT OF BEGINNING; THENCE NORTH 00°00'15" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 134.36 FEET; THENCE SOUTH 89°59'48" EAST, 62.45 FEET; THENCE SOUTH 00°00'05" WEST, 134.75 FEET; THENCE NORTH 89°38'17" WEST, 62.46 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.19 ACRES (8,404 S.F.). PROPERTY SUBJECT TO ANY AND ALL EASEMENT OF RECORD.

**62.46' ROW Easement Accessway & Restricted Access from STA 1204+57 to 1205.89 (BK 10112 PG 425, BK 10112 PG 431):**

A PART OF THE SOUTHWEST  $\frac{1}{4}$  OF THE NORTHWEST FRACTIONAL  $\frac{1}{4}$  OF SECTION 6, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5<sup>TH</sup> P.M., POLK COUNTY, IOWA, SHOWN ON ACQUISITION PLAT, EXHIBIT "A", ATTACHED HERETO, WHICH BY THIS REFERENCE IS MADE A PART HEREOF.

COMMENCING AT THE WEST  $\frac{1}{4}$  CORNER OF SAID SECTION 6; THENCE NORTH 00°00'15" EAST ALONG THE WEST LINE OF SAID NORTHWEST FRACTIONAL  $\frac{1}{4}$ , 586.78 FEET; THENCE SOUTH 89°38'17" EAST, 50.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LIEN OF N.E. 22<sup>ND</sup> STREET AND TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°38'17" EAST, 62.46 FEET; THENCE SOUTH 00°00'15" WEST, 132.00 FEET; THANCE NORTH 89°38'17" WEST 62.46 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 00°00'15" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 132.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.19 ACRES (8,245 S.F.).

**62.46' ROW Easement & Restricted Access from STA 1203+07± (& STA 1203+70± as set out on ALTA dated 5-19-2023) to STA 1204+57 (BK 9509 PG 655, BK 9676 PG1-62, BK 10418 PG 129-130):**

A PART OF THE SOUTHWEST ¼ OF THE NORTHWEST FRACTIONAL ¼ OF SECTION 6, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5<sup>TH</sup> P.M., POLK COUNTY, IOWA, SHOWN ON ACQUISITION PLAT, ATTACHMENT B, ATTACHED HERETO, WHICH BY THIS REFERENCE IS MADE PART HEREOF. COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 6; THENCE NORTH 00°00'15" EAST, 454.78 FEET; THENCE SOUTH 89°38'17" EAST. 50.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF S.E. DELAWARE AVENUE AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°38'17" EAST, 62.46 FEET; THENCE SOUTH 00°00'15" WEST, 149.80 FEET; THENCE NORTH 89°38'17" WEST 62.46 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 00°00'15" EAST ALONG SAID EAST RIGHT OF WAY LINE, 149.80 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.21 ACRES (9,356 S.F.)

**17' ROW Easement (BK 4295, PG 816)**

The East 17 feet of the West 50 feet of the South ½ of the following real estate, to-wit: the middle 1/3 of the Northwest fractional ¼ (except the East 30 acres thereof) and the North 11.02 acres of the West 31 acres of the South 1/3 of the Northwest fractional ¼, except the 6.7 acres along the easterly line of said tract taken for highway purposes, all in Section 6, Township 79 North, Range 23 West, West of the 5<sup>th</sup> P.M., Polk County, Iowa.

**17' ROW Easement (BK 4295, PG 818)**

The East 17 feet of the West 50 feet of a parcel of land described as follows: Beginning at the Northwest corner of the South 19.98 acres of the West 31 acres of the South 1/3 of the Northwest fractional ¼ of Section 6, Township 79 North, Range 23 West, West of the 5<sup>th</sup> P.M., Polk County, Iowa, Thence South along the West line of said parcel 8 rods to the point of beginning, thence East 290.4 feet, thence South 150 feet, thence West 290.4 feet, thence North 150 feet, to the point of beginning containing one acre more or less (about 0.058 acres)

**17' ROW Easement (BK 4295, PG 820)**

The East 17 feet of the West 50 feet of the North 8 rods of the West 20 rods, of the South 19.98 acres of the West 31 acres, of the South 62.99 acres of the Northwest fractional ¼ of Section 6, Township 79 North, Range 23 West, West of the 5<sup>th</sup> P.M., Polk County, Iowa. (about 0.051 acres)

**WHEREAS**, the City Council finds that all public purpose served by these easement documents will be replaced by future easements and that it is in the best interest of the citizens of Ankeny that said public easements be vacated.

**WHEREAS**, The City of Ankeny has interest and rights arising under the following documents:

- i. Easement for Public Highway recorded May 5, 1972 in Book 4295, page 818;
- ii. Easement of Public Highway recorded May 5, 1972 in Book 4295, page 820;
- iii. Condemnation of Rights in Land for Construction of Road recorded December 13, 2002, in Book 9509, pages 655-662;
- iv. Condemnation of Rights in Land for Construction of Road recorded March 6, 2003 in Book 9676, pages 1-62;
- v. Condemnation of Rights in Land for Construction of Road Affidavit recorded March 3, 2004 in Book 10418, pages 129-130;
- vi. Easements for Public Access recorded November 7, 2003 in Book 10256, pages 526-531.
- vii. Easements for Public Highway recorded May 5, 1972 in Book 4295, page 816.

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ANKENY, IOWA:**

1. That the City of Ankeny does hereby vacate, release all of its right, title interest, and any restrictions imposed or granted under the Easements and said Easements shall terminate effective as of this date; and
2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; and
3. That this ordinance shall be in effect upon its final passage and publication required by law.

**PASSED AND APPROVED** August 19, 2024.

CITY OF ANKENY, IOWA

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Mark E. Holm, Mayor

**ATTEST:**

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Michelle Yuska, City Clerk

**PUBLISHED IN THE  
DES MOINES REGISTER  
ON THE \_\_\_ DAY OF \_\_\_\_\_, 2024**

**1<sup>st</sup> Con \_\_\_\_\_ (Public Hearing)  
2<sup>nd</sup> Con \_\_\_\_\_  
3<sup>rd</sup> Con \_\_\_\_\_**