

ORDINANCE NO. 13,671

AN ORDINANCE vacating the entire 41st Street right-of-way between Grand and Ingersoll Avenues.

WHEREAS, all requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, there is no public need for the right-of-way described below and the public would not be inconvenienced by the vacation of such right-of-way; and,

WHEREAS, it is desirable that such public right-of-way be vacated; NOW THEREFORE,

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the entire 41st Street right-of-way between Grand and Ingersoll Avenues, as more specifically described below, be and is hereby vacated:

All that part of the 66.0 foot 41st Street right-of-way lying East of and adjoining the North 282.5 feet of the South 582.5 feet of Lot 5; and, the East 59.0 feet of the 66.0 foot 41st Street right-of-way lying East of and adjoining the South 300.0 foot of Lot 5, (the West 7.0 feet of the 41st Street right-of-way lying East of and adjoining the South 300.0 foot of Lot 5 having been previously vacated by Ordinance No. 10,739 passed December 16, 1985,) all within GREENWOOD PARK, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa .

Section 2. This vacation is made with reservations of right-of-way easements for any public utilities now in place with the right of entry for servicing same.

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Section 3. The vacation of the portion of the 41st Street right-of-way described below shall not be effective until July 1, 1999, or such earlier date as the City Council may hereafter provide by resolution:

All that part of the vacated 66.0 foot 41st Street right-of-way lying East of and adjoining the North 282.5 feet of the South 582.5 feet of Lot 5, all within GREENWOOD PARK, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa .

The vacation of the balance of the 41st Street right-of-way described in section 1, above, shall be effective upon the passage and publication of this ordinance as provided by law.

Section 4. 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 such vacation to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown

Assistant City Attorney