

ORDINANCE NO. 14,163

AN ORDINANCE vacating the portion of 11th Street and any remaining alley rights-of-way and reserved easements for public utilities within the three block area located between Locust Street and Grand Avenue, and between 10th and 13th Streets.

WHEREAS, on December 4, 2000, by Roll Call No. 00-4536, in the exercise of its urban renewal powers under Iowa Code Chapter 403, the City Council approved the Third Amendment to the Metro Center Urban Renewal Plan to provide for the implementation of the Western Gateway Framework Plan and the Western Gateway Goals and Guiding Principles, including the construction of a library and learning center within the Western Gateway; and,

WHEREAS, development of the Des Moines Pubic Library facility and the Higher Education Learning Center are being assisted by the City of Des Moines through the exercise of the City's urban renewal powers and will require the vacation of the public rights-of-way and the removal and relocation of all utilities now located within the three block area more specifically described below; and,

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:

Section 1. That the portion of 11th Street and any remaining alley rights-of-way and reserved easements within the three block area between Locust Street and Grand Avenue, and between 10th and 13th Streets, more specifically described as follows, be and are hereby vacated:

11th Street right-of-way:

All that portion of the 11th Street right-of-way located between the North right-of-way line of Locust Street and the South right-of-way line of Grand Avenue, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Alley rights-of-way between 10th and 11th Streets:

All the North/South and East/West alley rights-of-way located in Block 3, Campbell & McMullen's Addition to Town of Fort Des Moines, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, including that previously vacated by Ordinance No. 14,078 passed April 22, 2002, with reservation of easements for utilities in place.

Alley rights-of-way between 11th and 12th Streets:

All the North/South and East/West alley rights-of-way located in Block 26, Campbell & McMullen's Addition to Town of Fort Des Moines, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, including that previously vacated by Ordinance No. 14,142 passed October 7, 2002, with reservation of easements for utilities in place.

Alley rights-of-way between 12th and 13th Streets:

All of the 23.0 foot East/West alley right-of-way lying South of and adjoining Lots 1, 2, 3 and 4, Fourteenth Street Place, an Official Plat, and lying South of and adjoining the North/South alley right-of-way lying West of and adjoining said Lot 2; and the North/South alley right-of-way lying West of and adjoining said Lot 2, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, vacated by Ordinance No. 14,143 passed October 7, 2002.

Sec. 2. All utilities and franchise holders with facilities in place within the rights-of-way described above shall remove or abandon such facilities within sixty (60) days of the effective date of this ordinance, excepting only those facilities existing under authority of an easement of record.

Sec. 3. That the City Clerk is hereby authorized and directed to cause a 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:

Roger K. Brown, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Donna V. Boetel-Baker, 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. 02- 2745 ), passed by the City Council of said City at a meeting held November 18, 2002 signed by the Mayor on November 18, 2002 and published as provided by law in the Business Record on December 2, 2002 Authorized by Publication Order No. 3475 .

Donna V. Boetel-Baker, City Clerk