

ORDINANCE NO. 14,234

AN ORDINANCE vacating a portion of East Court Avenue right-of-way, in the vicinity of 625 East Court Avenue, and repealing Ordinance No. 14,028.

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

WHEREAS, by Ordinance No. 14,028, passed December 3, 2001, after notice and public hearing, the City Council intended to vacate the right-of-way described below, but said Ordinance contains and error in the legal description; 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 a portion of East Court Avenue right-of-way, in the vicinity of 625 East Court Avenue, be and is hereby vacated:

Tract 1: The South 10.00 feet of the East Court Avenue Right-of-Way, as it is presently established, lying North of and adjoining, except the West 20.00 feet, Lot 3 lying North of and adjoining the West two-thirds of Lot 4, all in Block 14, Town of De Moine, and Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said tract of land contains 674 square feet more or less.

Tract 2: That part of the South 10.00 feet of the East Court Avenue Right-of-Way, as it is presently established, is described as follows: Beginning at the Northeast corner of Lot 6, Block 14, Town of De Moine, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence North along the North extension of the East line of said Lot 6, a distance of 10.00 feet; thence southeasterly, in a straight line, to a point on the East extension of the North line of said Lot 6, said point being 7.00 feet East of the Northeast corner of said Lot 6; thence West along the East extension of the North line of said Lot 6, a distance of 7.00 feet to the Point of Beginning. Said tract of land contains 35 square feet more or less.

Tract 3: The West 7.00 feet of the East 7th Street Right-of-Way, East of and adjoining Lot 6, the 16.00 foot wide vacated East-West alley lying South of adjoining said Lot 6, and lying East of and adjoining Lot 7, except the South 17.00 feet of said Lot 7, all in Block 14, Town of De Moine, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said tract of land contains 1,309 square feet more or less.

Sec. 2. That this vacation is made subject to all easements or utilities now in place with the right of entry for servicing same.

Sec. 3. That Ordinance No. 14,028, passed December 3, 2001 is hereby repealed. This Ordinance is intended to replace Ordinance No. 14,028 which contains an error in the legal description of the right-of-way intended to be vacated.

Sec. 4. That the City Clerk is hereby authorized and directed to cause a certified copy 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. 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Diane Rauh, 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. 03-1071), passed by the City Council of said City at a meeting held May 5, 2003 signed by the Mayor on May 5, 2003 and published as provided by law in the Business Record on May 19, 2003 Authorized by Publication Order No. 3589.

Diane Rauh, City Clerk