

ORDINANCE NO. 14,514

AN ORDINANCE vacating portions of the subsurface rights within the public right-of-way adjoining 417 6th Avenue.

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 portions of the subsurface rights within the public right-of-way adjoining 417 6th Avenue, more specifically described as follows, be and is hereby vacated.

The area below grade of all the West 1.75 feet of the North/South alley right-of-way lying East of and adjoining Lots 5 and 6, Block C, Commissioner's Addition, an Official Plat and lying East of and adjoining the North 1.25 feet of the East/West alley right-of-way in said Block C, and the North 1.25 feet of the East/West alley right-of-way lying South of and adjoining said Lot 5, and the East 5.0 feet of the 6th Avenue right-of-way lying West of and adjoining said Lots 5 and 6, and lying West of and adjoining the North 1.25 feet of the East/West alley right-of-way in said Block C, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 2. The City of Des Moines hereby reserves an easement upon the property described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

Sec. 3. That 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 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:

Ann DiDonato, Assistant City Attorney

T.M. Franklin Cownie, 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. 05-2819), passed by the City Council of said City at a meeting held November 21, 2005 signed by the Mayor on November 21, 2005 and published as provided by law in the Business Record on December 5, 2005 Authorized by Publication Order No. 4973.

Diane Rauh, City Clerk