

ORDINANCE NO. 14,572

AN ORDINANCE vacating the East/West alley between the North/South alley and East 6th Street, South of East Locust Street, and air rights above portions of the East 8.3 feet of the North/South alley, the South 8.3 feet of East Locust Street and the West 8.3 feet of East 6th Street adjoining property owned by Iowa State Bank at 521 East Locust Street.

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 East/West alley between the North/South alley and East 6th Street, South of East Locust Street, and air rights above portions of the East 8.3 feet of the North/South alley, the South 8.3 feet of East Locust Street and the West 8.3 feet of East 6th Street adjoining property owned by Iowa State Bank at 521 East Locust Street, more specifically described as follows, be and is hereby vacated.

The South 10.0 feet of Lot 11, Block D, Griffith's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines. Polk County, Iowa.

And

All of the Air Space which is located above the East 8.30 feet of North/South alley right-of-way lying West of and adjoining Lot 12, Block D, Griffith's Addition, an Official Plat, and lying West of and adjoining the North 50.0 feet of Lot 11 of said Block D, which is located below a plane with an elevation of 106.00 feet, City Datum and which is located above a plane with an elevation of 53.10 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 31.10' City Datum.)

And

All of the Air Space which is located above the South 8.30 feet of East Locust Street right-of-way lying North of and adjoining the West 70.0 feet of Lot 12, Block D, Griffith's Addition, an Official Plat, which is located below a plane with an elevation of 106.00 feet, City Datum, and which is located above a plane with an elevation of 53.10 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 31.10' City Datum.)

And

All of the Air Space which is located above the West 8.30 feet of East 6th Street right-of-way lying East of and adjoining Lots 7, 8, 9 and 10, Block D, Griffith's Addition, an Official Plat, which is located below a plane with an elevation of 60.66 feet, City Datum and which is located above a plane with an elevation of 43.00 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 30.00' City Datum at the Northeast corner of said Lot 10, and being 27.50' City Datum at the Southeast corner of said lot 7.)

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. 06-1376), passed by the City Council of said City at a meeting held July 10, 2006 signed by the Mayor on July 10, 06 and published as provided by law in the Business Record on July 24, 2006. Authorized by Publication Order No. 5131.

Diane Rauh, City Clerk

