

ORDINANCE NO. 14,645

AN ORDINANCE vacating the right-of-way adjoining 301 East Court Avenue for encroachment easement to East Village Court, LLC.

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 right-of-way adjoining 301 East Court Avenue for encroachment easement to East Village Court, LLC, more specifically described as follows, be and is hereby vacated.

A 3.5 foot wide strip on the East side of East 3rd Street Right-of-Way (R.O.W.) as presently established, adjacent to Lot 4, Block 3, Scott and Dean's Addition to Fort Des Moines, and adjacent to the vacated alley between said Lot 4 and Lot 5 in said Scott and Dean's Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Commencing at the Southwest corner of said Lot 4; thence North 12°(degrees) 35'(minutes) 37"(seconds) West, along said East R.O.W. line of East 3rd Street, a distance of 49.38 feet, to the Point of Beginning; thence South 77°33'36" West, 3.50 feet; thence North 12°35'37" West, along a line parallel with said East R.O.W. line of East 3rd Street, a distance of 20.50 feet; thence North 77°33'36" East, 3.50 feet, to a point on said East R.O.W. line of East 3rd Street; thence South 12°35'37" East, along said East R.O.W. line of East 3rd Street, a distance of 20.50 feet, to the Point of Beginning, containing 71.75 sq. ft., more or less.

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. 07-811), passed by the City Council of said City at a meeting held April 23, 2007 signed by the Mayor on April 23, 2007 and published as provided by law in the Business Record on May 7, 2007, Authorized by Publication Order No. 5703.

Diane Rauh, City Clerk