

ORDINANCE NO. 14,654

AN ORDINANCE vacating a portion of 28th Street adjoining 2716 Ingersoll Avenue for use as a sidewalk cafe.

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, as follows:

Section 1. That a portion of 28th Street adjoining 2716 Ingersoll Avenue, more specifically described as follows, be and is hereby vacated:

That part of 28th Street right-of-way lying West of and adjoining the North 115 feet of Lot 19, of the Official Plat of SW 1/4 of Section 5, Township 78 North, Range 24 West of the 5th p.m., in the City of Des Moines, Polk County, Iowa, more specifically described as follows:

Commencing at the southeast corner of the intersection of Ingersoll Avenue and 28th Street, thence  $S00^{\circ}33'57''W$  along the East right-of-way line of 28th Street a distance of 10.19 feet to the Point of Beginning; thence continuing  $S00^{\circ}33'57''W$  along said East right-of-way line a distance of 31.33 feet; thence  $N89^{\circ}26'03''W$ , a distance of 6.26 feet; thence  $N00^{\circ}33'57''E$ , a distance of 31.33 feet; thence  $S23^{\circ}26'03''E$ , a distance of 6.26 feet, to the Point of Beginning (containing 196.1 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 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

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. 07-997), passed by the City Council of said City at a meeting held May 21, 2007 signed by the Mayor on May 21, 2007 and published as provided by law in the Business Record on June 4, 2007, Authorized by Publication Order No. 5712.

Diane Rauh, City Clerk