

ORDINANCE NO. 14,679

AN ORDINANCE amending Ordinance No. 14,654, vacating a portion of 28th Street adjoining 2716 Ingersoll Avenue for use as a sidewalk cafe.

WHEREAS, by Ordinance No. 14,654, passed May 21, 2007, after notice and public hearing as provided by law the City Council found that all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed, and that it is desirable that the public right-of-way herein described be vacated; and,

WHEREAS, by the enactment of Ordinance No. 14,654, the City Council intended to vacate the right-of-way described below, but such ordinance contains an error in the legal description of such right-of-way; NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa, as follows:

Section 1. That Section 1 of Ordinance No. 14,654, passed May 21, 2007, be amended to read 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 South 00° (degrees) 33' (minutes) 57" (seconds) West along the East right-of-way line of 28th Street a distance of 10.19 feet to the Point of Beginning; thence continuing South 00°33'57" West along said East right-of-way line a distance of 31.33 feet; thence North 89°26'03" West, a distance of 6.26 feet; thence North 00°33'57" East, a distance of 31.33 feet; thence South 89°26'03" East, a distance of 6.26 feet, to the Point of Beginning (containing 196.1 sq. ft, more or less).

Sec. 2. That the City Clerk is hereby authorized and directed to cause a certified copy of this ordinance and proof of publication thereof to be properly filed in the office of the Recorder of Polk County, Iowa.

Sec. 3. 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. 07-1436), passed by the City Council of said City at a meeting held July 23, 2007 signed by the Mayor on July 23, 2007 and published as provided by law in the Business Record on August 6, 2007, Authorized by Publication Order No.5737.

Diane Rauh, City Clerk