

ORDINANCE NO. 14,993

AN ORDINANCE vacating a portion of Court Avenue and Third Street adjoining 302 Court 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 Court Avenue and Third Street adjoining 302 Court Avenue, more specifically described as follows, be and is hereby vacated:

That part of Court Avenue and Third Street rights-of-way lying North of and adjoining Lot 12, in Block 25 of the Town of Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Beginning at the Northeast corner of said Lot 12; thence westerly along the North line of said Lot 12 a distance of 44.53 feet; thence northerly at right angles to the said North line of Lot 12 a distance of 9.25 feet; thence easterly along a line parallel with the North line of said Lot 12 a distance of 48.37 feet; thence southerly at right angles a distance of 9.25 feet; thence westerly at right angles a distance of 3.84 feet to the Point of Beginning (containing 447.42 square feet), less that portion thereof previously vacated by Ordinance No. 11,989 passed on May 25, 1993.

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:

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. 11-0344 ), passed by the City Council of said City at a meeting held February 28, 2011 signed by the Mayor on February 28, 2011 and published as provided by law in the Business Record on March 18, 2011. Authorized by Publication Order No. 7454.

Diane Rauh, City Clerk