

ORDINANCE NO. 15,468

AN ORDINANCE vacating a portion of 13th Street adjoining 1301 Locust Street, 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 13th Street adjoining 1301 Locust Street, more specifically described as follows, be and is hereby vacated:

The South 50.0 feet of the East 6.41 feet of the West 9.21 feet of Lot 7, in Block 1, Allen's Addition to the City of Des Moines, Polk County, Iowa, all now being a part of the Thirteenth (13th) Street right-of-way, and more specifically described as follows:

Commencing at the southwest corner of said Lot 7; thence North 74°12'17" East, a distance of 2.80 feet to the westerly right-of-way line of said 13th Street and the Point of Beginning; thence continuing North 74°12'17" East a distance of 6.41 feet; thence North 15°08'49" West, a distance of 50.00 feet; thence South 74°12'17" West to the westerly right-of-way line of said 13th Street, a distance of 6.41 feet; thence South 15°08'49" East along said right-of-way line, a distance of 50.00 feet to the Point of Beginning, containing 321 square feet, 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:

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. 16-0723 ), passed by the City Council of said City at a meeting held April 25, 2016 signed by the Mayor on April 25, 2016 and published and provided by law in the Business Record on May 13, 2016. Authorized by Publication Order No. 9549.

Diane Rauh, City Clerk