

ORDINANCE NO. 15,560

AN ORDINANCE vacating a portion of the east/west alley lying north of and adjoining 816 Shaw Street.

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:

Sec. 1. That a portion of the east/west alley lying north of and adjoining 816 Shaw Street, more specifically described as follows, be and is hereby vacated:

ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY IN BLOCK 52, TOWN OF DE MOINE, AN OFFICIAL PLAT, LYING SOUTH OF AND ADJOINING ALL OF LOT 9 IN SAID BLOCK 52 AND LYING SOUTH OF AND ADJOINING THE NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 52, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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. The City of Des Moines, Iowa, hereby further reserves a permanent no-build easement upon, over and within the Property. No permanent structure, building or other improvement shall be erected over or within the property; this restriction does not include moveable structures such as fences, non-foundation sheds, or anything else that can be removed from the property. This no build easement shall be lifted only after all of the following occur:

- a) A development plan is approved by the City.
- b) Relocation of all utilities by Grantee and/or Grantee's successor and assigns off the property at the sole expense of Grantee and/or Grantee's successors and assigns.
- c) Payment to the City by Grantee and/or Grantee's successors and assigns of the fair market value of the Property at the time of the release of the no-build easement.
- d) Written release of said no-build restriction by the City.

Sec. 4. 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. 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Lisa A. Wieland, 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. 17-0312), passed by the City Council of said City at a meeting held February 20, 2017 signed by the Mayor on February 20, 2017 and published and provided by law in the Business Record on March 3, 2017. Authorized by Publication Order No. 9910.

Diane Rauh, City Clerk