

ORDINANCE NO. 15,653

AN ORDINANCE vacating a portion of the undeveloped excess Southeast 30<sup>th</sup> Street right-of-way located north of and adjoining 308 Southeast 30<sup>th</sup> Street, and located north of and adjoining 244 Southeast 30<sup>th</sup> Street, and a segment of East Elm Street right-of-way located south of and adjoining 244 Southeast 30<sup>th</sup> 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 undeveloped excess Southeast 30<sup>th</sup> Street right-of-way located north of and adjoining 308 Southeast 30<sup>th</sup> Street, and located north of and adjoining 244 Southeast 30<sup>th</sup> Street, and a segment of East Elm Street right-of-way located south of and adjoining 244 Southeast 30<sup>th</sup> Street, more specifically described as follows, be and is hereby vacated:

-EXCEPT THE EAST 6 FEET-, THE SOUTH 40 FEET OF THE NORTH 80 FEET OF LOT 2, PINEGAR PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

THE WEST 65 FEET OF LOTS 28, 29 AND 30, R.W. WEST'S SUB-DIVISION OF LOT 11 OF THE OFFICIAL PLAT OF THE SOUTH HALF (1/2) OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M.;

AND

ALL THAT PART OF EAST ELM STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING A PART OF LOT 26 IN SAID R.W. WEST'S SUB-DIVISION AND LYING WEST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF THE EAST 6 FEET OF LOT 2 IN PINEGAR PLACE, AN OFFICIAL PLAT, AND LYING EAST OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 26;

AND

-EXCEPT THE EAST 6 FEET-, THE NORTH 40 FEET OF LOT 2 IN SAID PINEGAR PLACE;

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. 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:

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. 18-0614), passed by the City Council of said City at a meeting held April 9, 2018 signed by the Mayor on April 9, 2018 and published and provided by law in the Business Record on April 27, 2018. Authorized by Publication Order No. 10319.

Diane Rauh, City Clerk