

★ Roll Call Number

Agenda Item Number

33

Date May 8, 2006

An Ordinance entitled, AN ORDINANCE vacating City-owned Street and alley rights-of-way adjacent to and in the vicinity of 1101 East 6th Street, and repealing Ordinance No. 14,545",

which was considered and voted upon for the first time under Roll Call No. 06-694 of April 10, 2006, and considered and voted upon for the second time under Roll Call No. 06-791 of April 24, 2006, again presented.

Moved by _____ that this ordinance do now pass.

ORDINANCE NO. _____

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

Mayor

City Clerk

33
06-044
42
06-791

Prepared by: Ann DiDonato, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50320 (515) 283-4130

ORDINANCE NO. _____

AN ORDINANCE vacating City-owned Street and alley rights-of-way adjacent to and in the vicinity of 1101 East 6th Street, and repealing Ordinance No. 14,545.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, by Ordinance No. 14,545, passed February 20, 2006, after notice and public hearing, the City Council intended to vacate the rights-of-way described below, but said Ordinance contains an error in the legal description; 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:

Section 1. That City-owned Street and alley rights-of-way adjacent to and in the vicinity of 1101 East 6th Street, more specifically described as follows, be and is hereby vacated.

All that part of East Seventh Street right-of-way lying South of the westerly extension of the South right-of-way line of East University and lying North of the westerly extension of the South right-of-way line of Filmore Street, and all that part of Filmore Street right-of-way lying West of the southerly extension of the West right-of-way line of Pennsylvania Avenue and lying East of the southerly extension of the East right-of-way line of East Seventh Street, and all that part of Pine Street right-of-way lying West of and adjoining Lots 6 thru 10, James Hall's Subdivision, an Official Plat, and all that part of the North/South alley right-of-way East of and adjoining said Lots 6 thru 10, and all of the North/South alley right-of-way lying East of and adjoining Lots 11 thru 15, and all of the North/South alley right-of-way lying East of and adjoining Lot 18, and the East/West alley right-of-way being the South 16.0 feet of Lots 16, 17 and 18, and all of the East/West alley right-of-way lying North of and adjoining Lots 8 thru 10, all in James Hall's Second Subdivision, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION APPROVED
[Signature]
3/14/06 ODA

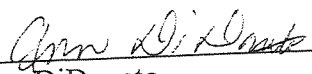
Sec. 2. The City of Des Moines hereby reserves an easement upon the property described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

Sec. 3. That Ordinance No. 14,545, passed February 20, 2006 is hereby repealed. This Ordinance is intended to replace Ordinance No. 14,545 which contains an error in the legal description of the rights-of-way intended to be vacated.

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:



Ann DiDonato
Assistant City Attorney