

★ Roll Call Number

Agenda Item Number

53

Date October 9, 2006

An Ordinance entitled, "AN ORDINANCE vacating the North 25 feet of Army Post Road right-of-way between SW 5<sup>th</sup> Street and SW 6<sup>th</sup>",

which was considered and voted upon under Roll Call No. 06- 1918 of September 25, 2006; again presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

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

**CERTIFICATE**

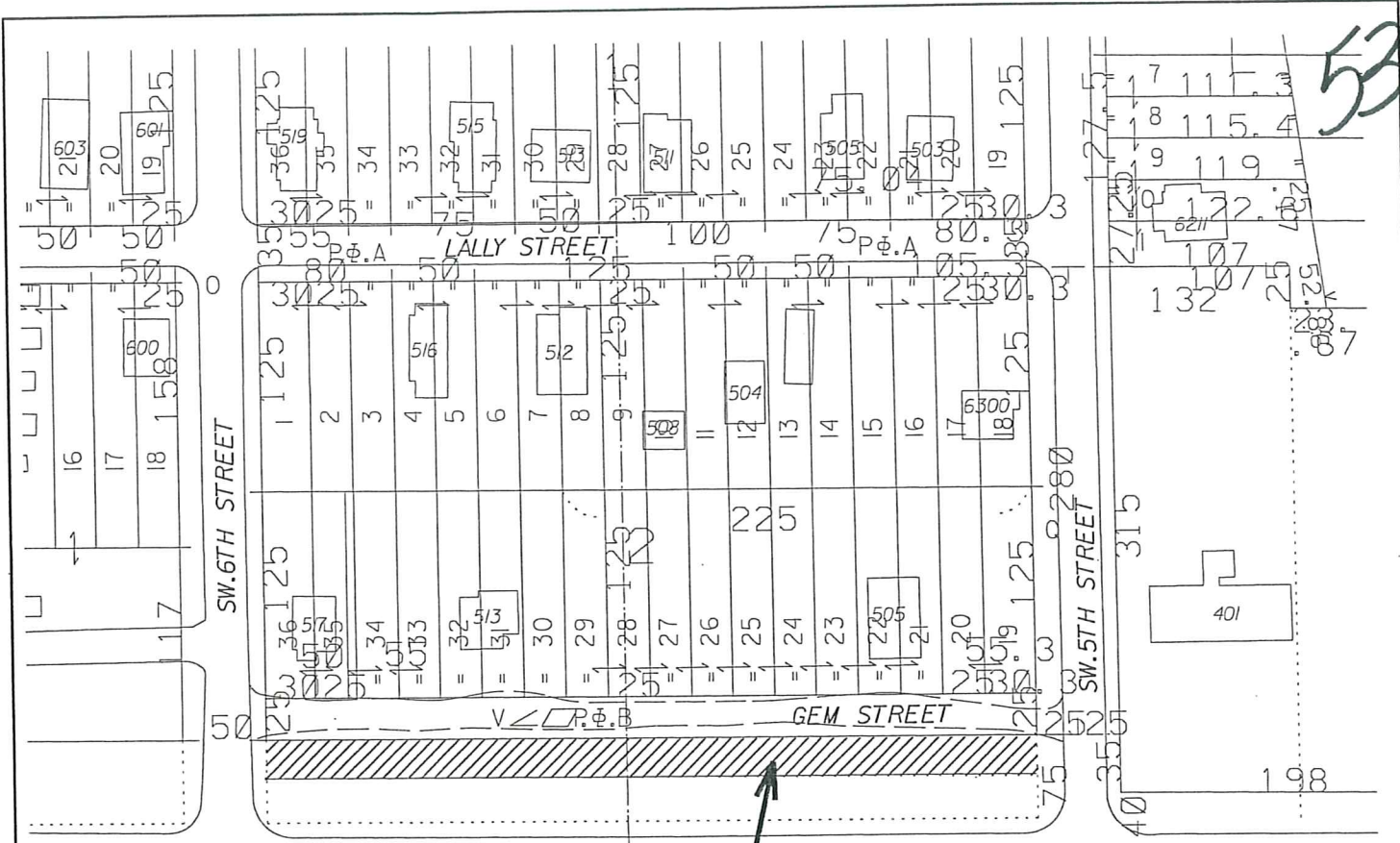
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

MOTION CARRIED APPROVED

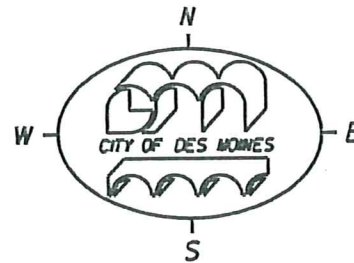
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



ARMY POST ROAD

**PROPERTY  
LOCATION**



**PROPERTY DISPOSITION  
NORTH 25' ARMY POST ROAD R.O.W.  
BETWEEN S.W. 5TH & S.W. 6TH STREETS  
ACTIVITY I.D. 34-2006-012**

53

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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE vacating the North 25 feet of Army Post Road right-of-way between SW 5<sup>th</sup> Street and SW 6<sup>th</sup>.

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:

Section 1. That the North 25 feet of Army Post road right-of-way between SW 5<sup>th</sup> Street and SW 6<sup>th</sup> more specifically described as follows, be and is hereby vacated.

The North 25.00 feet of the South 75.00 feet of the West 460.80 feet of the East 1532.80 feet of Army Post Road right-of-way being in the Southeast ¼ of Section 28, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., 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:

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

DESCRIPTION APPROVED  
*[Signature]*  
8/31/06 09:19