

★ **Roll Call Number**

Agenda Item Number

59A

Date October 9, 2006

An Ordinance entitled, "AN ORDINANCE vacating the subsurface rights-of-way adjoining 912 Walnut Street, within the north 6 feet of Mulberry Street, the east 6 feet of 10th Street, the south 6 feet of Walnut Street and the east 6 feet of the west 12 feet of the north/south alley",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Ann DiDonato
 Ann DiDonato
 Assistant City Attorney

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

ORDINANCE NO. _____

AN ORDINANCE vacating the subsurface rights-of-way adjoining 912 Walnut Street, within the north 6 feet of Mulberry Street, the east 6 feet of 10th Street, the south 6 feet of Walnut Street and the east 6 feet of the west 12 feet of the north/south alley.

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 subsurface rights-of-way adjoining 912 Walnut Street, within the north 6 feet of Mulberry Street, the east 6 feet of 10th Street, the south 6 feet of Walnut Street and the east 6 feet of the west 12 feet of the north/south alley, more specifically described as follows, be and is hereby vacated.

The area below grade of a strip of ground in the East 6.00 feet of Lot 6, except the North 19.40 feet thereof, John A. Garver's Subdivision of Lots 5 and 6, Block 2, West Fort Des Moines, an Official Plat; and the East/West alley right-of-way lying South of and adjoining the East 6.00 feet of said Lot 6; and the East 6.00 feet of Lot 7, Block 2, West Fort Des Moines, an Official Plat, and the East 6.00 feet of Lots 7 and 8, Block 12, H. M. Hoxie's Addition to Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The area below grade of a strip of ground in the South 6.00 feet of the Walnut Street right-of-way lying North of and adjoining Lots 1 through 6, except the East 6.00 feet thereof, John A. Garver's Subdivision of Lots 5 and 6, Block 2, West Fort Des Moines, an Official Plat; and the South 6.00 feet of the Walnut Street right-of-way lying North of and adjoining the East 6.00 feet of the 10th Street right-of-way lying

DESCRIPTION APPROVED
[Signature]
9/15/06 11:42 AM

West of and adjoining said Lot 1, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The area below grade of a strip of ground in the North 6.00 feet of the Mulberry Street right-of-way lying South of and adjoining Lot 8, West Fort Des Moines, an Official Plat, and lying South of and adjoining the East 6.00 feet of the 10th Street right-of-way lying West of and adjoining said Lot 8, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And


The area below grade of a strip of ground in the East 6.00 feet of the 10th Street right-of-way lying West of and adjoining Lot 1, John A. Garver's Subdivision of Lots 5 and 6, Block 2, West Fort Des Moines, an Official Plat, and lying West of and adjoining the vacated East/West alley right-of-way lying South of and adjoining said Lot 1; and the East 6.00 feet of the 10th Street right-of-way lying West of and adjoining Lots 7 and 8, H. M. Hoxie's Addition to Fort Des Moines, an Official Plat, 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:

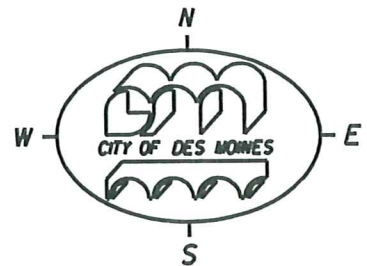


Ann DiDonato
Assistant City Attorney

DESCRIPTION APPROVED
9/11/2014
14.20



**PROPERTY
LOCATION**



**PROPERTY DISPOSITION
SUBSURFACE EASEMENT
912 WALNUT STREET
ACTIVITY I.D. 34-2007-018**