

★ Roll Call Number

Agenda Item Number

SIA

Date December 4, 2006

An Ordinance entitled, "AN ORDINANCE vacating a permanent encroachment easement for the steps to the building at 301 East Court Avenue",

presented.

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

FORM APPROVED:

(First of three required readings)

Ann DiDonato
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, VLASSIS, and TOTAL. Includes 'MOTION CARRIED' and 'APPROVED' labels.

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.

City Clerk

Mayor

SIA

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

ORDINANCE NO. _____

AN ORDINANCE vacating a permanent encroachment easement for the steps to the building at 301 East Court Avenue.

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 a permanent encroachment easement for the steps to the building at 301 East Court Avenue, more specifically described as follows, be and is hereby vacated.

The South 5.0 feet of the East 12.0 feet of the West 48.0 feet of East Court Avenue right-of-way lying North of and adjoining Lots 5 and 6, Block 3, Scott and Dean'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, more particularly described as follows:

Commencing at the Northwest corner of said Lot 5; thence North 78°(degrees) 00'(minutes) 39"(seconds) East, along the southerly right-of-way line of said East Court Avenue, said line being the northerly line of said Lots 5 and 6, a distance of 36.00 feet to the point of beginning; thence North 11°59'21" West, 5.00 feet; thence North 78°00'39" East, 12.00 feet; thence South 11°59'21" East, 5.00 feet to a point on the southerly right-of-way line of said East Court Avenue; thence South 78°00'39" West, along the southerly right-of-way line of said East Court Avenue, said line being the northerly line of said Lots 5 and 6, a distance of 12.00 feet to the point of beginning, containing 60 square feet more or less.

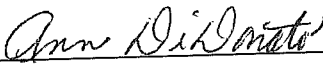
DESCRIPTION APPROVED
[Signature]
11/15/06 14:04

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.

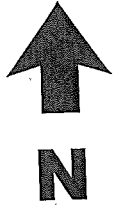
Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

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

FORM APPROVED:



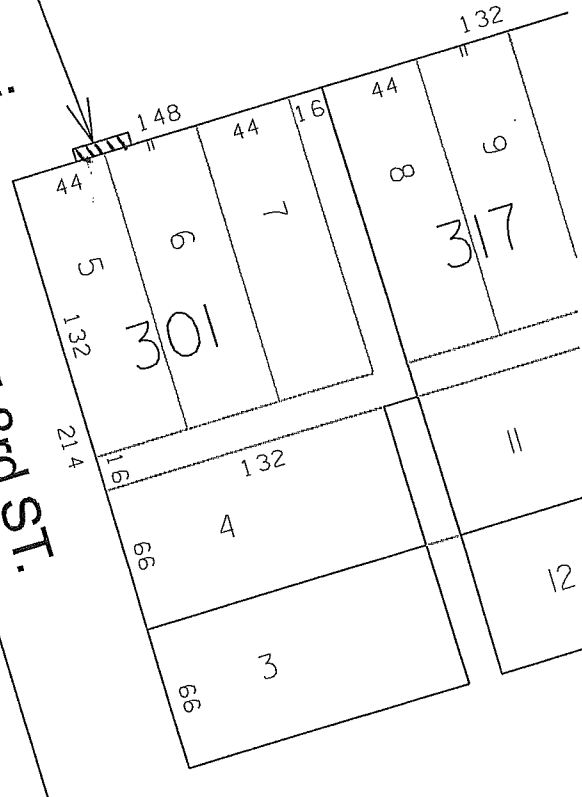
Ann DiDonato
Assistant City Attorney



ENCROACHMENT EASEMENT -
EAST VILLAGE COURT, LLC

E COURT AVE.

E 3rd ST.



PROPERTY ENCROACHMENT
301 EAST COURT AVENUE
ACTIVITY I.D. 34-2006-047