

Date December 8, 2008

An Ordinance entitled, "AN ORDINANCE vacating the North/South alley right-of-way between 8th Street and 9th Street, from Crocker Street to Center Street, and a portion of the 9th Street right-of-way between Crocker Street and Center Street",

which was considered and voted upon under Roll Call No. 08-_____ on December 8, 2008; again presented.

Moved by _____ that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass.

ORDINANCE NO. _____

NOTE: Waiver of this rule is requested by the Engineering Department – Real Estate Division, City of Des Moines.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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

The Des Moines Register

R840 NOTICE OF PROPOSAL TO VACATE AND CONVEY RIGHT-OF-WAY

NOTICE IS HEREBY GIVEN, that the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the North/South alley between 8th Street and 9th Street, from Crocker Street to Center Street, and a portion of 9th Street right-of-way between Crocker Street and Center Street, more specifically described as follows:

ALL OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOTS 28 THROUGH 36, GEOSNEER'S SUBDIVISION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 0.22 ACRES (9,508 S.F.).

AND

PART OF LOT 5 OF THE OFFICIAL PLAT OF THE SUBDIVISION OF BLOCK "O", HOLCOMB'S ADDITION, BEING AN OFFICIAL PLAT, AND PART OF LOT 1 IN THE OFFICIAL PLAT OF THE SE 1/4 OF THE NW 1/4 OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN SAID BLOCK "O" HOLCOMB'S ADDITION; THENCE NORTH 89° (Degrees) 07' (Minutes) 23" (Seconds) WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 126.30 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 9TH STREET; THENCE SOUTH 0°30'56" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 413.60 FEET; THENCE SOUTH 7°10'11" EAST, 15.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 7°10'11" EAST, 37.38 FEET; THENCE SOUTH 13°52'34" EAST, 133.50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET; THENCE NORTH 89°18'26" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET EXTENDED 16.69 FEET; THENCE NORTH 42°04'53" WEST, 27.75 FEET; THENCE NORTH 5°45'43" WEST, 35.53 FEET; THENCE NORTH 0°08'11" EAST, 81.76 FEET; THENCE NORTH 3°55'45" EAST, 28.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,752 S.F.).

NOTICE IS FURTHER GIVEN that the City Council has adopted a resolution relating to a proposal to sell and convey such right-of-way, as described below, to the grantee for such consideration as identified below, if the City Council first decides to vacate such right-of-way:

To: Principal Life Insurance Company for \$58,750

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOTS 28 THROUGH 36, GEOSNEER'S SUBDIVISION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 0.22 ACRES (9,508 S.F.).

AFFIDAVIT OF PUBLICATION

CO AND THE VACATED PART OF LOT 5, BLOCK "O", HOLCOMB'S ADDITION, BEING AN OFFICIAL PLAT, AND THE VACATED PART OF LOT 1 IN THE OFFICIAL PLAT OF THE SE 1/4 OF THE NW 1/4 OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN SAID BLOCK "O" HOLCOMB'S ADDITION; THENCE NORTH 89° (Degrees) 07' (Minutes) 23" (Seconds) WEST ALONG THE NORTH LINE OF SAID LOT 1, A

DISTANCE OF 126.30 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 9TH STREET; THENCE SOUTH 0°30'56" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 413.60 FEET; THENCE SOUTH 7°10'11" EAST, 15.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 7°10'11" EAST, 37.38 FEET; THENCE SOUTH 13°52'34" EAST, 133.50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET; THENCE NORTH 89°18'26" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET EXTENDED 16.69 FEET; THENCE NORTH 42°04'53" WEST, 27.75 FEET; THENCE NORTH 5°45'43" WEST, 35.53 FEET; THENCE NORTH 0°08'11" EAST, 81.76 FEET; THENCE NORTH 3°55'45" EAST, 28.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,752 S.F.).

NOTICE IS FURTHER GIVEN, that the City Council will consider the adoption of the proposed vacation ordinance and approval of the proposed sale and conveyance after a public hearing to be held at 5:00 p.m. in the Council Chamber, 400 Robert D. Ray Drive, Des Moines, Iowa, on December 8, 2008.

Copies of the proposed ordinance are available at the office of the City Clerk, City Hall, Des Moines, Iowa. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

PUBLISHED IN THE DES MOINES REGISTER ON NOVEMBER 26, 2008.

STATE OF IOWA

SS

COUNTY OF POLK

The undersigned, being first duly sworn on oath, states that she/he is the

Accounting Specialist Vivian Moore

of The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

THE DES MOINES REGISTER (Daily)

DES MOINES SUNDAY REGISTER

newspapers of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made a part of this affidavit, was printed and published in The Des Moines Register (daily) on the following dates

Nov 26 2008

Subscribed and sworn to before me by said affiant this 1 day of December

2008

Susan Hazelton
Notary Public in and for Polk County, Iowa

SUSAN HAZELTON
Notarial Seal - Iowa
Commission # 223923
My Commission Expires Jan 11

PO 6453; #97.84

