

Date April 7, 2014


An Ordinance entitled, "AN ORDINANCE vacating Wagner Street from the north/south alley to 5<sup>th</sup> Avenue and a 132-foot segment of the north/south alley between 5<sup>th</sup> Avenue and 6<sup>th</sup> Avenue north of Vine Street",

presented.

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

FORM APPROVED:

(First of three required readings)

  
Glenna K. Frank  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
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

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4530  
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

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

AN ORDINANCE vacating Wagner Street from the north/south alley to 5<sup>th</sup> Avenue and a 132-foot segment of the north/south alley between 5<sup>th</sup> Avenue and 6<sup>th</sup> Avenue north of Vine Street.

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:

Sec. 1. That Wagner Street from the north/south alley to 5<sup>th</sup> Avenue and a 132-foot segment of the north/south alley between 5<sup>th</sup> Avenue and 6<sup>th</sup> Avenue north of Vine Street, more specifically described as follows, be and is hereby vacated:

ALL THAT PART OF WAGNER STREET RIGHT-OF-WAY LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF THE NORTH/SOUTH ALLEY IN BLOCK 15 OF FORT DES MOINES, AN OFFICIAL PLAT, AND LYING WEST OF WEST RIGHT-OF-WAY LINE OF 5<sup>TH</sup> STREET (LOCALLY KNOWN AS 5<sup>TH</sup> AVENUE), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

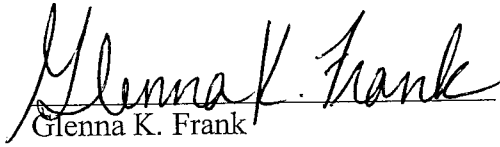
ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOTS 5 THRU 6 IN BLOCK 15 OF FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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:

A handwritten signature in cursive script that reads "Glenna K. Frank". The signature is written in black ink and is positioned above a horizontal line.

Glenna K. Frank  
Assistant City Attorney