

★ Roll Call Number

Agenda Item Number

69 A

Date May 21, 2018


An Ordinance entitled, "AN ORDINANCE vacating a portion of East 5th Street right-of-way located east of and adjoining 440 East Grand Avenue",

presented.

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

FORM APPROVED:

(First of three required readings)


Lisa A. Wieland
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
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

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Prepared by: Lisa A. Wieland, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4124
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

ORDINANCE NO. _____

AN ORDINANCE vacating a portion of East 5th Street right-of-way located east of and adjoining 440 East Grand 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:

Sec. 1. That a portion of East 5th Street right-of-way located east of and adjoining 440 East Grand Avenue, more specifically described as follows, be and is hereby vacated:

THE EAST 5TH STREET PUBLIC RIGHT OF WAY LYING DIRECTLY ADJACENT TO LOT 8, BLOCK 10, EAST FORT DES MOINES, AN OFFICIAL PLAT RECORDED IN BOOK 'A', PAGE 136, AT THE POLK COUNTY RECORDERS OFFICE IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS:

COMMENCING AS A POINT OF REFERENCE AT THE NORTHEAST CORNER OF SAID LOT 8; THENCE S15°17'47"E, 32.00 FEET TO THE POINT OF BEGINNING; THENCE S15°17'47"E, 60.00 FEET ALONG THE EAST LINE OF SAID LOT TO A POINT; THENCE N74°42'13"E, 5.50 FEET TO A POINT; THENCE N15°17'47"W, 60.00 FEET TO A POINT; THENCE S74°42'13"W, 5.50 FEET TO THE POINT OF BEGINNING AND ALL CONTAINING 330 SQUARE FEET MORE OR LESS.

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

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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:



Lisa A. Wieland
Assistant City Attorney