



**Roll Call Number**

**Agenda Item Number**

36

**Date** September 24, 2018

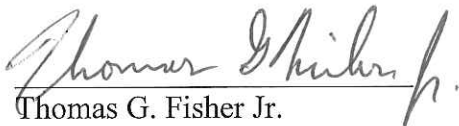
An Ordinance entitled, "AN ORDINANCE amending Ordinance No. 15,678 to correct a portion of the legal description therein to vacate a portion of the north-south alley and the east-west alley adjacent to 1417 Walnut Street",

presented.

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

FORM APPROVED:

(First of three required readings)

  
Thomas G. Fisher Jr.  
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

Prepared by: Thomas G. Fisher Jr., Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4547  
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

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

AN ORDINANCE amending Ordinance No. 15,678 to correct a portion of the legal description therein to vacate a portion of the north-south alley and the east-west alley adjacent to 1417 Walnut Street.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, due to a scrivener's error in Ordinance No. 15,678, it is desirable that a portion of Ordinance No. 15,678 be amended and 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 amending Ordinance No. 15,678 to repeal the legal description labelled "north-south alley adjacent to 1417 Walnut Street," and replace said legal description by permanently vacating a portion of City street right-of-way located on a portion of the north-south alley and the east-west alley adjacent to Lot 3, Block 58, Lyon's Addition to Fort Des Moines (locally known as 1417 Walnut Street), more specifically described as follows, be and is hereby approved:

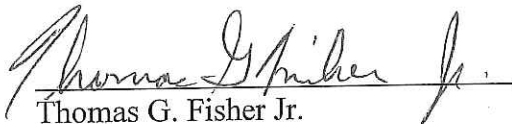
BEGINNING AS A POINT OF REFERENCE AT THE SE CORNER, LOT 3, BLOCK 38 LYON'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, POLK COUNTY IOWA; THENCE N14°59'52"W, 12.42 FEET TO THE POINT OF BEGINNING; THENCE N73°48'01"E, 12.03 FEET TO A POINT; THENCE N16°11'59"W, 49.16 FEET TO A POINT; THENCE S73°48'01"W, 5.76 FEET TO A POINT; THENCE N16°10'59"W, 27.93 FEET TO A POINT; THENCE S74°55'45"W, 12.70 FEET; THENCE S15°35'45"E, 5.76 FEET TO A POINT; THENCE N74°02'38"E, 6.43 FEET TO A POINT; THENCE S16°14'37"E, 71.54 FEET TO THE POINT OF BEGINNING AND ALL CONTAINING 737 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 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:

  
Thomas G. Fisher Jr.  
Assistant City Attorney