

ORDINANCE NO. 13,701

AN ORDINANCE vacating the 4th Street right-of-way between Court Avenue and Vine Street, and all the alleys in the two block area bounded by Court Avenue and 3rd, 4th and Vine Streets.

WHEREAS, on March 15, 1999, by Roll Call No. 99-753, in the exercise of its urban renewal powers under Iowa Code Chapter 403, the City Council declared its intent to give final approval and acceptance of the proposal from Centertainment, Inc., for the purchase and redevelopment of Disposition Parcel 99-1 for the Court Avenue Entertainment Center Project; and,

WHEREAS, Disposition Parcel 99-1 proposed to be purchased by Centertainment, Inc., contains substantially all the two block area bounded by Court Avenue and 3rd, 4th and Vine Streets, including the 4th Street right-of-way between Court Avenue and Vine Street and the alleys within the two blocks; and

WHEREAS, development of the Court Avenue Entertainment Center Project will require the vacation of the 4th Street right-of-way between Court Avenue and Vine Street, and the vacation of the alleys in the two block area bounded by Court Avenue and 3rd, 4th and Vine Streets; and,

WHEREAS, the removal and relocation of all utilities now located within such rights-of-way is necessary to permit the construction of the improvements proposed to be undertaken by Centertainment, Inc.; and,

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 the 4th Street right-of-way between Court Avenue and Vine Street, and all the alleys in the two block area bounded by Court Avenue and 3rd, 4th and Vine Streets, more specifically described as follows, be and is hereby vacated effective December 31, 1999:

All the alley rights-of-way, including all that portion of the alley known as Depot Street, located in Blocks 20 and 25, Fort Des Moines, an Official Plat, and all that portion of the 4th Street right-of-way lying East of and adjoining the said Block 20 and lying West of and adjoining the said Block 25, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 2. All utilities and franchise holders with facilities in place upon the above described rights-of-way shall remove or abandon such facilities prior to December 31, 1999.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. 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.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney