

ORDINANCE NO. 13,812

AN ORDINANCE vacating a portion of the Mulberry Street right-of-way between 13th and 16th Streets.

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 for incorporation into the site of a proposed new parking facility which is being developed by the City in the exercise of its powers under the Iowa Urban Renewal Law, Iowa Code Chapter 403; and,

WHEREAS, it is necessary that all utility facilities located within such right-of-way be removed to the extent such facilities interfere with the construction of the proposed new parking facility; NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the following described portion of the Mulberry Street right-of-way between 13th and 16th Streets, be and is hereby vacated:

Except the East 148.5 feet, all the Mulberry Street right-of-way between the West right-of-way line of 13th Street and the East right-of-way line of 16th Street lying within Keene & Poindexters Official Plat, an Official Plat, and Keene & Poindexters Addition, an Official Plat, and lying South of and adjoining Lyon's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 2. The owners of any utility facilities existing within the right-of-way described above are hereby ordered to remove such utility facilities from such vacated right-of-way, excepting only facilities which are determined by the City Engineer to not interfere with the proposed new public parking facility.

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:

Roger K. Brown, Assistant City Attorney

Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 00-1129), passed by the City Council of said City at a meeting held April 17, 2000, signed by the Mayor on April 17, 2000, and published as provided by law in the Business Record on May 1, 2000. Authorized by Publication Order No. 2447.

Donna Boetel-Baker, CMC/AAE, City Clerk