

ORDINANCE NO. 13,852

AN ORDINANCE vacating Market Street between S.W. 4th and S.W. 5th Streets; vacating S.W. 4th Street between Market Street and Elm Street; and vacating alleys in the vicinity.

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 rights-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 rights-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 portion of Market Street between S.W. 4th and S.W. 5th Streets; the portion of S.W. 4th Street between Market Street and Elm Street; and, the alleys in the vicinity, as more specifically described below are hereby vacated:

All the Market Street right-of-way between the West right-of-way line of S.W. 4th Street and the East right-of-way line of S.W. 5th Street, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

All the S.W. 4th Street right-of-way extending North a distance of 292.64 feet from the North right-of-way line of Elm Street, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

All the North/South alley right-of-way lying West of and adjoining Lots 5 and 6; and, all the East/West alley right-of-way lying North of and adjoining Lots 3 and 6 and lying North of and adjoining the intervening alley between Lots 3 and 6, all in Block 19, Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

All the East/West and North/South alley rights-of-way in Block 27, 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 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

Preston Daniels, Mayor

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. 00-3372), passed by the City Council of said City at a meeting held August 7, 2000, signed by the Mayor on August 7, 2000, and published as provided by law in the Business Record on August 21, 2000. Authorized by Publication Order No. 2030.

Donna Boetel-Baker, CMC/AAE, City Clerk