

ORDINANCE NO. 14,149

AN ORDINANCE vacating a portion of 8th Street south of University 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:

Section 1. That a portion of the 8th Street right-of-way south of University Avenue, more specifically described as follows, be and is hereby vacated:

All the 50 foot wide 8th Street right-of-way lying East of and adjoining the South 10 feet of Lot 46, North Park, an Official Plat, and lying East of and adjoining Lots 20, 21 and 22, J. F. Rollin's Subdivision, an Official Plat, and lying East of and adjoining Lots 10, 11, and 12, Rollin's Addition, an Official Plat, and lying East of and adjoining Lot 10 of the Northeast 1/4 of the Northwest 1/4 of Section 4, Township 78 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa

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. No structures shall be constructed or placed upon the property described above, except signage, lights, light poles, fences, sidewalks, driveways, parking lots and pavement, and improvements appurtenant thereto, which are hereby expressly permitted provided they are installed in a manner that does not interfere with the continued operation of the utilities now in place. In performing any work upon the property in the exercise of the easement hereby reserved, any utility shall repair or restore any grassy areas, signage, lights, light poles, fences, sidewalks, driveways, parking lots and pavement, and improvements appurtenant thereto to

substantially its condition prior to the commencement of such work

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 A. Daniels, Mayor

Attest:

I, Donna V. 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. 02-2457), passed by the City Council of said City at a meeting held October 7, 2002 signed by the Mayor on October 7, 2002 and published as provided by law in the Business Record on October 21, 2002 Authorized by Publication Order No. 3436.

Donna V. Boetel-Baker, City Clerk