

ORDINANCE NO. 14,383

AN ORDINANCE permanently vacating the east/west alley between Ingersoll Avenue and Grand Avenue from 16th Street to 17th Street and repealing Ordinance No. 14,350.

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;

WHEREAS, by Ordinance No. 14,350, passed June 21, 2004, after notice and public hearing, the City Council intended to vacate the right-of-way described below, but said Ordinance contains an error in the legal description; and

WHEREAS, it is desirable that the property herein described be vacated; NOW, THEREFORE,

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

Section 1. That the east/west alley between Ingersoll Avenue and Grand Avenue from 16th Street to 17th Street, more specifically described as follows, is hereby vacated:

All of the East/West alley right-of-way lying North of and adjoining a strip West of and adjoining the North 125.0 feet Lot 5 Block 46, J. Lyon's Addition, an Official Plat, and lying North of and adjoining said Lot 5, and lying North of and adjoining Lots 1 through 4 of the Official Plat of Lot 6, Block 46 of said J. Lyon's Addition and lying North of and adjoining Lots 7 and 8, Block 46, of said J. Lyons Addition, and lying North of and adjoining the vacated North/South alley right-of-way lying West of and adjoining said Lot 7, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 2. That this vacation is subject to the maintenance and upkeep of any easements, encroachments or public utilities in place.

Sec. 3. That Ordinance No. 14,350, passed June 21, 2004 is hereby repealed. This Ordinance is intended to replace Ordinance No. 14,350 which contains an error in the description of the right-of-way intended to be vacated.

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:

Ann DiDonato, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, 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. 04-2312), passed by the City Council of said City at a meeting held October 25, 2004 signed by the Mayor on October 25, 2004 and published as provided by law in the Business Record on November 8, 2004 Authorized by Publication Order No. 4391.

Diane Rauh, City Clerk