

ORDINANCE NO. 14,402

AN ORDINANCE vacating a portion of the north/south alley from University Avenue to Indiana Avenue between 4th Street and 5th Street.

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 north/south alley from University Avenue to Indiana Avenue between 4th Street and 5th Street, more specifically described as follows, be and is hereby vacated.

All that part of vacated 14 foot North/South alley right-of-way lying West of and adjoining Lots 71 through 79, Rutherford Heights, an Official Plat, 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.

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. 04-2781), passed by the City Council of said City at a meeting held December 20, 2004 signed by the Mayor on December 20, 2004 and

published as provided by law in the Business Record on January 3, 2005 Authorized by Publication Order No. 4558.

Diane Rauh, City Clerk