

ORDINANCE NO. 14,409

AN ORDINANCE permanently vacating Third Street from University Avenue to Laurel Avenue and repealing Ordinance No. 14,389.

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. 14,389, passed November 8, 2004, after notice and public hearing, the City Council intended to vacate the right-of-way described below, but the required notice of proposed vacation was inadvertently not published; 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 Third Street from University Avenue to Laurel Avenue, more specifically described as follows, is hereby vacated:

All of part of Lot K (3rd Street), River Hills Plat No. 1, an Official Plat, lying South of the South right-of-way line extended of University Avenue and North of the North right-of-way line extended of Laurel Street and lying East of adjoining Block A, of said River Hills Plat No. 1, 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 That Ordinance No. 14,389, passed November 8, 2004 is hereby repealed. This Ordinance is intended to replace Ordinance No. 14,389 because the required notice of proposed vacation was inadvertently not published.

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. 05-220), passed by the City Council of said City at a meeting held January 24, 2005 signed by the Mayor on January 24, 2005 and published as provided by law in the Business Record on February 7, 2005, Authorized by Publication Order No. 4565.

Diane Rauh, City Clerk