

ORDINANCE NO. 14,474

AN ORDINANCE vacating the air rights over the east/west alley adjoining 112 11th Street, more specifically described below, and to convey an Easement for Building Encroachment to Heritage Affordable Housing.

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 the air rights over the east/west alley adjoining 112 11th Street, more specifically described below, and to convey an Easement for Building Encroachment to Heritage Affordable Housing, be and is hereby vacated.

All of the Air Space which is located above that portion of the North 6.5 feet of the East/West alley right-of-way lying South of and adjoining Lot 2, Frantz Place an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, and which is located at an elevation of (52.96 feet City Datum, 826.80 NGVD), which is 14'-3" (14.25 feet) above the first floor elevation of (38.71 feet City Datum, 812.55 NGVD) over the North 6'-6" (6.5 feet) of the East/West alley right of way and below the roof deck elevation of (109.96 feet City Datum, 883.80 NGVD), which is 71'-3" (71.25 feet) above the first floor elevation.

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. 05-1933), passed by the City Council of said City at a meeting held August 8, 2005 signed by the Mayor on August 8, 2005 and published as provided by law in the Business Record on August 22, 2005 Authorized by Publication Order No. 4832.

Diane Rauh, City Clerk