

ORDINANCE NO. 14,489

AN ORDINANCE vacating the portion of 14th Street and any remaining alley rights-of-way and reserved easements for public utilities within the two block area located between Locust Street and Grand Avenue, and between 13th and 15th Streets.

WHEREAS, on December 4, 2000, by Roll Call No. 00-4536, in the exercise of its urban renewal powers under Iowa Code Chapter 403, the City Council approved the Third Amendment to the Metro Center Urban Renewal Plan to provide for the implementation of the Western Gateway Framework Plan and the Western Gateway Goals and Guiding Principles, including the construction of park improvements and planned housing and retail space; and

WHEREAS, development of the park improvements and planned housing and retail space require the vacation of the public rights-of-way and the removal and relocation of all underground utilities now located within the two block area more specifically described below; and

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 portion of 14th Street and any remaining alley rights-of-way and reserved easements within the two block area between Locust Street and Grand Avenue, and between 13th and 15th Streets, more specifically described as follows, be and are hereby vacated.

All that part of the East/West alley right-of-way lying South of and adjoining Lots 5 through 17, Fourteenth Street Place, an Official Plat, and lying South of and adjoining vacated North/South alley right-of-way, vacated by Ordinance 9547, lying East of and adjoining said Lot 13, and the East/West alley right-of-way lying South of and adjoining 14th Street right-of-way lying West of and adjoining said Lot 10, and (except that part of vacated East/West alley right-of-way lying South of and adjoining the part of Lot 11 and 12 of said Fourteenth Street Place, vacated by Ordinance 11,013, and that part of 14th Street right-of-way lying East of and adjoining said Lot 11, and the West 16.0 feet of said Lot 10 being a part of 14th Street right-of-way, and that part of 14th Street right-of-way being the West 16.0 feet of Lot 2 and all of Lot 3, Block 1, J.C. Savery's Park Addition, an Official Plat, and the North/South alley right-of-way lying East of and adjoining Lot 1, Block 1, of said J.C. Savery's Park Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 2. All utilities and franchise holders with above ground facilities in place within the rights-of-way described above shall remove or abandon such facilities by February 15, 2006, excepting only those facilities existing under authority of an easement of record.

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 December 1, 2005 for the above-described alley right-of-way and from February 15, 2006 for the above described 14th Street right-of-way and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato, Assistant City Attorney

Ordinance No. _____ cont'd

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. 05-2352), passed by the City Council of said City at a meeting held September 26, 2005 signed by the Mayor on September 26, 2005 and published as provided by law in the Business Record on October 10, 2005 Authorized by Publication Order No.4847.

Diane Rauh, City Clerk