

ORDINANCE NO. 14,593

AN ORDINANCE vacating the subsurface rights-of-way adjoining 912 Walnut Street, within the north 6 feet of Mulberry Street, the east 6 feet of 10<sup>th</sup> Street, the south 6 feet of Walnut Street and the east 6 feet of the west 12 feet of the north/south alley.

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 subsurface rights-of-way adjoining 912 Walnut Street, within the north 6 feet of Mulberry Street, the east 6 feet of 10<sup>th</sup> Street, the south 6 feet of Walnut Street and the east 6 feet of the west 12 feet of the north/south alley, more specifically described as follows, be and is hereby vacated.

The area below grade of a strip of ground in the East 6.00 feet of Lot 6, except the North 19.40 feet thereof, John A. Garver's Subdivision of Lots 5 and 6, Block 2, West Fort Des Moines, an Official Plat; and the East/West alley right-of-way lying South of and adjoining the East 6.00 feet of said Lot 6; and the East 6.00 feet of Lot 7, Block 2, West Fort Des Moines, an Official Plat, and the East 6.00 feet of Lots 7 and 8, Block 12, H. M. Hoxie's Addition to Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The area below grade of a strip of ground in the South 6.00 feet of the Walnut Street right-of-way lying North of and adjoining Lots 1 through 6, except the East 6.00 feet thereof, John A. Garver's Subdivision of Lots 5 and 6, Block 2, West Fort Des Moines, an Official Plat; and the South 6.00 feet of the Walnut Street right-of-way lying North of and adjoining the East 6.00 feet of the 10<sup>th</sup> Street right-of-way lying West of and adjoining said Lot 1, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The area below grade of a strip of ground in the North 6.00 feet of the Mulberry Street right-of-way lying South of and adjoining Lot 8, West Fort Des Moines, an Official Plat, and lying South of and adjoining the East 6.00 feet of the 10<sup>th</sup> Street right-of-way lying West of and adjoining said Lot 8, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The area below grade of a strip of ground in the East 6.00 feet of the 10<sup>th</sup> Street right-of-way lying West of and adjoining Lot 1, John A. Garver's Subdivision of Lots 5 and 6, Block 2, West Fort Des Moines, an Official Plat, and lying West of and adjoining the vacated East/West alley right-of-way lying South of and adjoining said Lot 1; and the East 6.00 feet of the 10<sup>th</sup> Street right-of-way lying West of and adjoining Lots 7 and 8, H. M. Hoxie's Addition to Fort Des Moines, 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. 06-2013), passed by the City Council of said City at a meeting held October 9, 2006 signed by the Mayor on October 9, 2006 and published as provided by law in the Business Record on October 23, 2006 Authorized by Publication Order No. 5402.

Diane Rauh, City Clerk

