

ORDINANCE NO. 14,681

AN ORDINANCE vacating a portion of the 6<sup>th</sup> Avenue and the Mulberry Street right-of-way adjoining the Midland Building at 206 6<sup>th</sup> Avenue.

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 portions of the 6<sup>th</sup> Avenue and the Mulberry Street rights-of-way adjoining the Midland Building at 206 6<sup>th</sup> Avenue, more specifically described as follows, be and are hereby vacated.

A portion of the Mulberry Street right-of-way lying South of and adjoining Lot 5, Block 11, Fort Des Moines, an Official Plat, Des Moines, Polk County, Iowa, all more particularly described as follows: Commencing at the southeast corner of said Lot 5; thence South 74°(degrees) 14'(minutes) 03''(seconds) West along the South line of said Lot 5, said line also being the North right-of-way line of said Mulberry Street as it is presently established, a distance of 15.50 feet to the Point of Beginning; thence South 15°45'57'' East, a distance of 4.25 feet; thence South 74°14'03'' West, a distance of 45.00 feet; thence North 15°45'57'' West, a distance of 4.25 feet to the south line of said Lot 5; thence North 74°14'03'' East along the South line of said Lot 5, a distance of 45.00 feet to the Point of Beginning (containing 191.25 square feet more or less); and,

A portion of the 6th Avenue right-of-way lying East of and adjoining Lot 5, Block 11, Fort Des Moines, an Official Plat, Des Moines, Polk County, Iowa, all more particularly described as follows: Commencing at the southeast corner of said Lot 5; thence North 15°(degrees) 30'(minutes) 00''(seconds) West along the East line of said Lot 5, said line also being the West right-of-way line of said 6th Avenue as it is presently established, a distance of 19.00 feet to the Point of Beginning; thence continuing North 15°30'00'' West along the East line of said Lot 5, a distance of 38.00 feet; thence North 74°30'00'' East, a distance of 4.11 feet; thence South 15°30'00'' East, a distance of 38.00 feet; thence South 74°30'00'' West, a distance of 4.11 feet to the Point of Beginning (containing 156.18 square feet more or less).

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:

Roger K. Brown, 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. 07-1448), passed by the City Council of said City at a meeting held July 23, 2007 signed by the Mayor on July 23, 2007 and published as provided by law in the Business Record on August 6, 2007, Authorized by Publication Order No.5739.

Diane Rauh, City Clerk