

ORDINANCE NO. 14,694

AN ORDINANCE vacating an encroachment easement and air rights easements to allow encroachments of the existing building at 3510 University.

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 an encroachment easement and air rights easements to allow encroachments of the existing building at 3510 University, more specifically described as follows, be and is hereby vacated.

Encroachment

The South 0.8 feet of University Avenue right-of-way lying North of and adjoining the West 40.0 feet of Lot 1, Kauffman Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Air Space

All of the air space which is located above the South 4.0 feet of University Avenue right-of-way lying North of and adjoining the West 40.00 feet of Lot 1, Kauffman Place, an Official Plat, and lying North of and adjoining the East 3.0 feet of Lot 13, of said Kauffman Place, which is located below a plane with an elevation of 200.00 feet, City Datum, and which is above a plane with an elevation of 192.00 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (With ground level elevation being 183.0 feet, City Datum.)

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:

Glenna K. Frank, 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. 07-1651), passed by the City Council of said City at a meeting held August 20, 2007 signed by the Mayor on August 20, 2007 and published as provided by law in the Business Record on September 3, 2007, Authorized by Publication Order No. 5853.

Diane Rauh, City Clerk