

ORDINANCE NO. 14,760

AN ORDINANCE vacating a portion of Court Avenue adjoining 316 Court Avenue for use as a sidewalk cafe.

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, as follows:

Section 1. That a portion of Court Avenue adjoining 316 Court Avenue, more specifically described as follows, be and is hereby vacated:

A 4.0-foot-wide strip on the South side of the Court Avenue Street Right-of-Way (R.O.W.), as presently established, adjacent to Lots 1 and 2 in Block 25, Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

COMMENCING at the Northwest Corner of said Lot 1; THENCE North 74°(degrees) 13'(minutes) 01"(seconds) East, along said South R.O.W. line of Court Avenue, a distance of 2.00 feet, to the POINT OF BEGINNING; THENCE North 15°(degrees) 46'(minutes) 59"(seconds) West, 4.00 feet; THENCE North 74°(degrees) 13'(minutes) 01"(seconds) East, along a line parallel with said South R.O.W. line of Court Avenue, a distance of 115.33 feet; THENCE South 15°(degrees) 46'(minutes) 59"(seconds) East, 4.00 feet, to a point on said South R.O.W. line of Court Avenue; THENCE South 74°(degrees) 13'(minutes) 01"(seconds) West, along said South R.O.W. line of Court Avenue, a distance of 115.33 feet, to the POINT OF BEGINNING, containing 461.3 sq.ft., 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 a 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. 08-734 ), passed by the City Council of said City at a meeting held April 21, 2008 signed by the Mayor on April 21, 2008 and published as provided by law in the Business Record on May 5, 2008. Authorized by Publication Order No. 6078.

Diane Rauh, City Clerk