

ORDINANCE NO. 14,775

AN ORDINANCE vacating the subsurface area under a portion of the E. Locust Street and the E. 5th Street right-of-way adjoining the Teachout Building at 500 E. Locust Street.

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. The subsurface area under portions of the E. Locust Street and E. 5th Street rights-of-way adjoining the Teachout Building at 500 E. Locust Street, more specifically described as follows, be and are hereby vacated.

The subsurface area below grade under the East 11.0 feet of the E. 5th Street right-of-way lying West of and adjoining Lot 2, in H.E. TEACHOUT PLACE, an Official Plat, and under the North 9.0 feet of the E. Locust Street right-of-way lying South of and adjoining the said Lot 2, and lying South of and adjoining the said East 11.0 feet of the E. 5th Street right-of-way lying West of and adjoining said Lot 2, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 2. The subsurface areas hereby vacated commence immediately below the public sidewalk and contain encroachments from the adjoining building. The sidewalk and the air space over the sidewalk above the subsurface areas described above are excluded from this vacation and shall remain public right-of-way. The City of Des Moines hereby further reserves an easement within the subsurface areas described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

Sec. 3. 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. 08-1049), passed by the City Council of said City at a meeting held June 9, 2008 signed by the Mayor on June 9, 2008 and published as provided by law in the Business Record on June 23, 2008. Authorized by Publication Order No. 6225.

Diane Rauh, City Clerk