

ORDINANCE NO. 14,781

AN ORDINANCE vacating an air space easement adjoining 305 East 5<sup>th</sup> 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:

Section 1. That an air space easement adjoining 305 East 5<sup>th</sup> Street, more specifically described as follows, be and is hereby vacated.

West Balcony

All of the Air Space for part of East 5<sup>th</sup> Street right-of-way lying West of and adjoining Lots 5 and 6, Block D, Griffiths Addition to East Fort Des Moines, an Official Plat all now included in and forming a part of the City of Des Moines, Polk County, Iowa and described as follows.

Commencing at the Northwest corner of said Lot 5; thence South 09° (degrees) 36' (minutes) 02" (seconds) along the East right-of-way line of East 5<sup>th</sup> Street 15.00 feet to the Point of Beginning; thence continuing South 09° 36'02" East, 76.67 feet; thence South 81° 36'02" West, 5.00 feet; thence North 09° 36'02" West, 76.67 feet; thence North 81° 36'02" East, 5.00 feet to the Point of Beginning, which is below a plane elevation of 87.00 feet City Datum and which is above a plane elevation of 51.00 feet City Datum.(assumed) ground elevation (0.00') being 25.63 feet City Datum.

Surveyed by Leo A. Pelds, License Surveyor No. 4640.

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. 08-1138), passed by the City Council of said City at a meeting held June 23, 2008, 2008 signed by the Mayor on June 23, 2008 and published as provided by law in the Business Record on July 7, 2008. Authorized by Publication Order No. 6244.

Diane Rauh, City Clerk