

ORDINANCE NO. 15,298

AN ORDINANCE vacating air space over East 5<sup>th</sup> Street and East Grand Avenue rights-of-way adjoining 505 East Grand 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:

Sec. 1. That air space over East 5<sup>th</sup> Street and East Grand Avenue rights-of-way adjoining 505 East Grand Avenue, more specifically described as follows, be and is hereby vacated:

LEGAL DESCRIPTION: TRACT 'A' - AWNING - AIR RIGHTS EASEMENT

All of the air space for that part of East 5th Street Right-of-Way adjoining LOT 5 of BLOCK 18 of EAST FORT DES MOINES, an Official Plat, now included and forming a part of the City of Des Moines, Iowa and described as follows:

Beginning at the Northwest Corner of LOT 5 of BLOCK 18 of EAST FORT DES MOINES, an Official Plat, now included and forming a part of the City of Des Moines, Iowa; thence South 15°06'00" East, 65.00 feet along the West Line of said LOT 5, also being the East Right-of-Way Line of East 5th Street; thence South 74°54'00" West, 7.00 feet; thence North 15°06'00" West, 64.99 feet; thence North 74°49'22" East, 7.00 feet to the Point of Beginning, containing 455 Square Feet; located below a plane with an elevation of 55.00 feet (City of Des Moines Datum) and above a plane with an elevation of 35.00 feet (City of Des Moines Datum), all included in and forming a part of the City of Des Moines, Polk County, Iowa.

LEGAL DESCRIPTION: TRACT 'B' - AWNING - AIR RIGHTS EASEMENT

All of the air space for that part of East Grand Avenue Right-of-Way adjoining LOT 4 of BLOCK 18 of EAST FORT DES MOINES, an Official Plat, now included and forming a part of the City of Des Moines, Iowa and described as follows:

Commencing at the Northeast Corner of the West 20 feet of LOT 3 of BLOCK 18 of EAST FORT DES MOINES, an Official Plat, now included and forming a part of the City of Des Moines, Iowa; thence South 74°49'22" West, 20.00 feet along the North Line of said LOT 3, also being the South Right-of-Way Line of East Grand Avenue to the Point of Beginning, also being the Northeast Corner of LOT 4 of said BLOCK 18; thence continuing South 74°49'22" West, 20.00 feet along the North Line of said LOT 4, also being the South Right-of-Way Line of East Grand Avenue; thence North 15°10'38" West, 5.00 feet; thence North 74°49'22" East, 20.00 feet; thence South 15°10'38" East, 5.00 feet to the Point of Beginning, containing 100 Square Feet; located below a plane with an elevation of 58.00 feet (City of Des Moines Datum) and above a plane with an elevation

of 38.00 feet (City of Des Moines Datum), all included in and forming a part of the City of Des Moines, Polk County, Iowa.

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. 14-1096), passed by the City Council of said City at a meeting held July 14, 2014 signed by the Mayor on July 14, 2014 and published and provided by law in the Business Record on August 1, 2014. Authorized by Publication Order No.8256.

Diane Rauh, City Clerk