

ORDINANCE NO. 15,398

AN ORDINANCE vacating a portion of the East Market Street right-of-way adjoining 111 SE 7th Street and repealing Ordinance No. 15,389.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, by Ordinance No. 15,389, passed July 27, 2015, after notice and public hearing, the City Council intended to vacate the portion of East Market Street right-of-way adjoining 111 SE 7<sup>th</sup> Street as described below, but said Ordinance contained an error by referring to SE Market Street right-of-way; 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 a portion of the East Market Street right-of-way adjoining 111 SE 7th Street, more specifically described as follows, be and is hereby vacated:

THE NORTH 35 FEET OF EAST MARKET STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING EAST 60 FEET OF THE WEST 90 FEET OF BLOCK 19, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW 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 That Ordinance No. 15,389, passed July 27, 2015, is hereby repealed. This Ordinance is intended to replace Ordinance No. 15,389.

Sec. 4. 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. 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Lisa A. Wieland, 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. 15-1447), passed by the City Council of said City at a meeting held August 24, 2015 signed by the Mayor on August 24, 2015 and published and provided by law in the Business Record on September 11, 2015. Authorized by Publication Order No. 9317.

Diane Rauh, City Clerk