

ORDINANCE NO. 15,441

AN ORDINANCE vacating air space and subsurface rights in portions of East Grand Avenue right-of-way adjoining 219 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 and subsurface rights in portions of East Grand Avenue right-of-way adjoining 219 East Grand Avenue, more specifically described as follows, be and is hereby vacated:

AIR SPACE

THE SOUTH 4.0 FEET OF EAST GRAND AVENUE RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO THE NORTH LINE OF THE WEST 20 FEET OF LOT 2 AND ALL OF LOTS 3, 4, 5, AND 6 OF BLOCK 8, EAST FORT DES MOINES, AN OFFICIAL PLAT, ALL BEING LOCATED BELOW A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 88.0 FEET AND ABOVE A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 48.0 FEET WITH A CITY OF DES MOINES DATUM GROUND ELEVATION OF 25.0 FEET

AND

SUBSURFACE

THE SOUTH 4.0 FEET OF EAST GRAND AVENUE RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO THE WEST 20 FEET OF LOT 2 AND ALL OF LOTS 3, 4, 5, AND 6 OF BLOCK 8, EAST FORT DES MOINES, 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 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:

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. 16- 0070), passed by the City Council of said City at a meeting held January 11, 2016 signed by the Mayor on January 11, 2016 and published and provided by law in the Business Record on January 29, 2016. Authorized by Publication Order No. 9468.

Diane Rauh, City Clerk