

ORDINANCE NO. 15,572

AN ORDINANCE vacating the north/south alley right-of-way located north of Laurel Street and south of Ascension Street between 6th Avenue and 7th 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:

Sec. 1. That the north/south alley right-of-way located north of Laurel Street and south of Ascension Street between 6th Avenue and 7th Street, more specifically described as follows, be and is hereby vacated:

ALL THAT PART OF THE NORTH/SOUTH ALLEY LYING WEST OF AND ADJOINING LOTS 1 THROUGH 4 IN BLOCK 4, WALNUT HILL ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

ALL THAT PART OF LOT 74 LYING WEST OF AND ADJOINING LOTS 19 AND 20, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST FRACTIONAL QUARTER (1/4) OF THE NORTHWEST FRACTIONAL QUARTER (1/4) OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND CONTAINING APPROXIMATELY 5,435 SQUARE FEET.

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, and further subject to the following condition:

Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated at Buyer's sole expense following written approval of the City or applicable utility.

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. 17- 0610), passed by the City Council of said City at a meeting held April 3, 2017 signed by the Mayor on April 3, 2017 and published and provided by law in the Business Record on April 21, 2017. Authorized by Publication Order No. 9976.

Diane Rauh, City Clerk