

★ Roll Call Number

Agenda Item Number

S3A

Date January 28, 2008

An Ordinance entitled, "AN ORDINANCE vacating an air space easement adjoining 707 8th Street",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| HENSLEY | | | | |
| KIERNAN | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| VLASSIS | | | | |
| TOTAL | | | | |

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

MOTION CARRIED

APPROVED

.....
Mayor

53A

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50320 (515) 283-4130

ORDINANCE NO. _____

AN ORDINANCE vacating an air space easement adjoining 707 8th 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 707 8th Street, more specifically described as follows, be and is hereby vacated.

ALL OF THE AIR SPACE FOR THAT PART OF CENTER STREET RIGHT-OF-WAY ADJOINING BLOCK "Q" IN GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 10 OF SAID BLOCK "Q", THENCE NORTH 89°(DEGREES) 20'(MINUTES) 27"(SECONDS) WEST ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK "Q", 5.73 FEET; THENCE NORTH 0°39'33" EAST, 2.00 FEET; THENCE SOUTH 89°20'27" EAST, 29.02 FEET; THENCE SOUTH 0°39'33" WEST, 2.00 FEET TO A POINT ON SAID NORTH LINE; THENCE NORTH 89°20'27" WEST ALONG SAID NORTH LINE, 23.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 58 SQUARE FEET WHICH IS BELOW A PLANE ELEVATION OF 176.00 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 172.00 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 61.00 FEET CITY DATUM.)

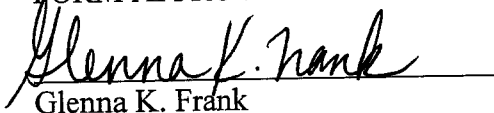
DESCRIPTION APPROVED
Glenna K. Frank
10/20/10 11:10

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.

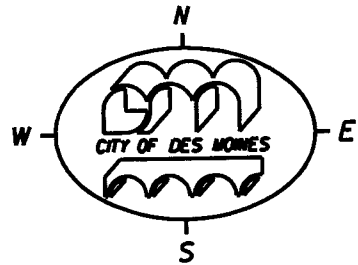
FORM APPROVED:

A handwritten signature in cursive script, reading "Glenna K. Frank", is written over a horizontal line.

Glenna K. Frank
Assistant City Attorney



AIRSPACE EASEMENT



**AIR SPACE EASEMENT
 PRINCIPAL LIFE
 INSURANCE COMPANY
 ACTIVITY I.D. 34-2008-026**