

★ Roll Call Number

Agenda Item Number

58A

Date February 23, 2009

An Ordinance entitled, "AN ORDINANCE vacating 13th Street right-of-way from Keosauqua Way to School Street (except the north 26 feet) and the North/South alley right-of-way west of 13th Street from School Street to Keosauqua Way (except the north 26 feet)",

which was considered and voted upon under Roll Call No. 09- 210 of February 9, 2009; again presented.

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

(Second of three required readings)

(Council Communication No. 09-112)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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

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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 13th Street right-of-way from Keosauqua Way to School Street (except the north 26 feet) and the North/South alley right-of-way west of 13th Street from School Street to Keosauqua Way (except the north 26 feet).

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 13th Street right-of-way from Keosauqua Way to School Street (except the north 26 feet) and the North/South alley right-of-way west of 13th Street from School Street to Keosauqua Way (except the north 26 feet), more specifically described as follows, be and is hereby vacated.

ALL THAT PART OF 13TH STREET RIGHT-OF-WAY, AS IT NOW EXISTS, LYING WEST OF AND ADJOINING LOTS 11, 12, 13 AND 14, JONES SUBDIVISION, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING THE SOUTH 26.0 FEET OF LOT 10, OF SAID JONES SUBDIVISION.

AND

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY, AS IT NOW EXISTS, LYING WEST OF AND ADJOINING THE SOUTH 26.0 FEET OF LOT 1, JONES SUBDIVISION, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING LOT 82, KEOSAUQUA WAY PLAT 3, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING THE NORTH 8.0 FEET OF LOT 81, OF SAID KEOSAUQUA WAY PLAT 3, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

DESCRIPTION APPROVED
Glenna K. Frank
09/04/2009 15:11:27

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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
Glenna K. Frank
Assistant City Attorney
