

★ Roll Call Number

Agenda Item Number

57A

Date April 23, 2007

An Ordinance entitled, "AN ORDINANCE vacating the right-of-way adjoining 301 East Court Avenue for encroachment easement to East Village Court, LLC",

presented.

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

FORM APPROVED:

(First of three required readings)

Ann DiDonato
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

MOTION CARRIED

APPROVED

Mayor

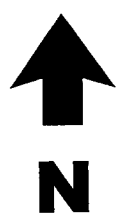
CERTIFICATE

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

57A



ENCROACHMENT EASEMENT -
EAST VILLAGE COURT, LLC



**PROPERTY ENCROACHMENT
301 EAST COURT AVENUE
ACTIVITY I.D. 34-2007-043**

57A

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

ORDINANCE NO. _____

AN ORDINANCE vacating the right-of-way adjoining 301 East Court Avenue for encroachment easement to East Village Court, LLC.

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 the right-of-way adjoining 301 East Court Avenue for encroachment easement to East Village Court, LLC, more specifically described as follows, be and is hereby vacated.

A 3.5 foot wide strip on the East side of East 3rd Street Right-of-Way (R.O.W.) as presently established, adjacent to Lot 4, Block 3, Scott and Dean's Addition to Fort Des Moines, and adjacent to the vacated alley between said Lot 4 and Lot 5 in said Scott and Dean's Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Commencing at the Southwest corner of said Lot 4; thence North 12°(degrees) 35'(minutes) 37"(seconds) West, along said East R.O.W. line of East 3rd Street, a distance of 49.38 feet, to the Point of Beginning; thence South 77°33'36" West, 3.50 feet; thence North 12°35'37" West, along a line parallel with said East R.O.W. line of East 3rd Street, a distance of 20.50 feet; thence North 77°33'36" East, 3.50 feet, to a point on said East R.O.W. line of East 3rd Street; thence South 12°35'37" East, along said East R.O.W. line of East 3rd Street, a distance of 20.50 feet, to the Point of Beginning, containing 71.75 sq. ft., more or less.

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:



Ann DiDonato
Assistant City Attorney