

★ **Roll Call Number**

**Agenda Item Number**

69A

Date May 18, 2009

An Ordinance entitled, "AN ORDINANCE vacating a portion of the 3rd Street right-of-way adjoining 208 3rd Street for use as a sidewalk cafe,"

is presented.

MOVED by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

*Roger K Brown*  
 Roger K. Brown  
 Assistant City Attorney

(First of three required readings)

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

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Prepared by: Roger K. Brown, Assistant City Attorney, 400 Robert Ray Dr., Des Moines, IA  
50309 515/283-4541  
Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309  
Taxpayer: No change  
Title of Document: Ordinance No. \_\_\_\_\_  
Grantor/Grantee: City of Des Moines, Iowa  
Legal Description: See below on this page.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE vacating a portion of the 3rd Street right-of-way adjoining 208 3rd Street for use as a sidewalk cafe.

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, as follows:

Section 1. The portion of the 3rd Street right-of-way adjoining 208 3rd Street, more specifically described as follows, be and are hereby vacated.

Except the subsurface area below grade, the West 5.00 feet of the 3rd Street right-of-way lying East of and adjoining the South 27.00 feet of the North one-third of Lot 8, in Block 24, Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

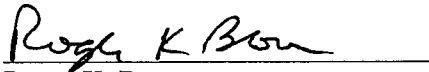
Sec. 2. The City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

ORDINANCE NO. \_\_\_\_\_

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Sec. 3. 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 black ink that reads "Roger K. Brown". The signature is written in a cursive style and is positioned above a horizontal line.

Roger K. Brown

Assistant City Attorney

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