

★ **Roll Call Number**

**Agenda Item Number**

47A

..... May 21, 2007 .....


**Date**.....

An Ordinance entitled, "AN ORDINANCE vacating a portion of 28th Street adjoining 2716 Ingersoll Avenue 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  
 Assistant City Attorney

(First of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				

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

47A

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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 Name: City of Des Moines, Iowa  
Legal Description: See page \_\_\_\_, below.

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

AN ORDINANCE vacating a portion of 28th Street adjoining 2716 Ingersoll Avenue 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. That a portion of 28th Street adjoining 2716 Ingersoll Avenue, more specifically described as follows, be and is hereby vacated:

That part of 28th Street right-of-way lying West of and adjoining the North 115 feet of Lot 19, of the Official Plat of SW 1/4 of Section 5, Township 78 North, Range 24 West of the 5th p.m., in the City of Des Moines, Polk County, Iowa, more specifically described as follows:

Commencing at the southeast corner of the intersection of Ingersoll Avenue and 28th Street, thence S00°33'57"W along the East right-of-way line of 28th Street a distance of 10.19 feet to the Point of Beginning; thence continuing S00°33'57"W along said East right-of-way line a distance of 31.33 feet; thence N89°26'03"W, a distance of 6.26 feet; thence N00°33'57"E, a distance of 31.33 feet; thence


S23°26'03"E, a distance of 6.26 feet, to the Point of Beginning (containing 196.1 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 a 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:



Roger K. Brown  
Assistant City Attorney