

★ **Roll Call Number**

Agenda Item Number

74A

Date June 9, 2008

AN ORDINANCE vacating the subsurface area under a portion of the E. Locust Street and the E. 5th Street right-of-way adjoining the Teachout Building at 500 E. Locust Street.

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				

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

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.

ORDINANCE NO. _____

AN ORDINANCE vacating the subsurface area under a portion of the E. Locust Street and the E. 5th Street right-of-way adjoining the Teachout Building at 500 E. Locust 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, as follows:

Section 1. The subsurface area under portions of the E. Locust Street and E. 5th Street rights-of-way adjoining the Teachout Building at 500 E. Locust Street, more specifically described as follows, be and are hereby vacated.

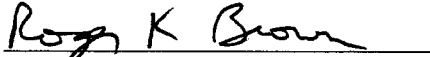
The subsurface area below grade under the East 11.0 feet of the E. 5th Street right-of-way lying West of and adjoining Lot 2, in H.E. TEACHOUT PLACE, an Official Plat, and under the North 9.0 feet of the E. Locust Street right-of-of-way lying South of and adjoining the said Lot 2, and lying South of and adjoining the said East 11.0 feet of the E. 5th Street right-of-way lying West of and adjoining said Lot 2, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 2. The subsurface areas hereby vacated commence immediately below the public sidewalk and contain encroachments from the adjoining building. The sidewalk and the air space over the sidewalk above the subsurface areas described above are excluded from this vacation and shall remain public right-of-way. The City of Des Moines hereby further reserves an easement within the subsurface areas described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

Sec. 3. 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:



Roger K. Brown

Assistant City Attorney

C:\Rog\Vacate\Cafe\Pending\Teachout Bldg Ord.doc