

★ **Roll Call Number**

Agenda Item Number

43A

Date June 23, 2008

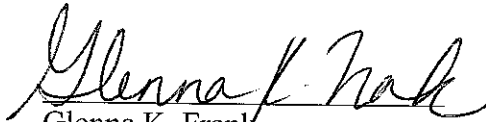
An Ordinance entitled, "AN ORDINANCE vacating an air space easement adjoining 305 East 5th Street",

presented.

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

FORM APPROVED:

(First of three required readings)



Glenna K. Frank
Assistant City Attorney

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

43A

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 an air space easement adjoining 305 East 5th 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:

Section 1. That an air space easement adjoining 305 East 5th Street, more specifically described as follows, be and is hereby vacated.

West Balcony

All of the Air Space for part of East 5th Street right-of-way lying West of and adjoining Lots 5 and 6, Block D, Griffiths Addition to East Fort Des Moines, an Official Plat all now included in and forming a part of the City of Des Moines, Polk County, Iowa and described as follows.

Commencing at the Northwest corner of said Lot 5; thence South 09° (degrees) 36' (minutes) 02" (seconds) along the East right-of-way line of East 5th Street 15.00 feet to the Point of Beginning; thence continuing South 09° 36'02" East, 76.67 feet; thence South 81° 36'02" West, 5.00 feet; thence North 09° 36'02" West, 76.67 feet; thence North 81° 36'02" East, 5.00 feet to the Point of Beginning, which is below a plane elevation of 87.00 feet City Datum and which is above a plane elevation of 51.00 feet City Datum.(assumed) ground elevation (0.00') being 25.63 feet City Datum.

Surveyed by Leo A. Pelds, License Surveyor No. 4640.

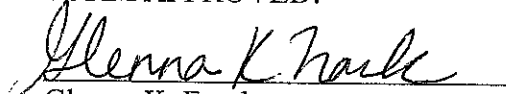
DESCRIPTION APPROVED
Glenna K. Frank
6/2/00 15:14

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.

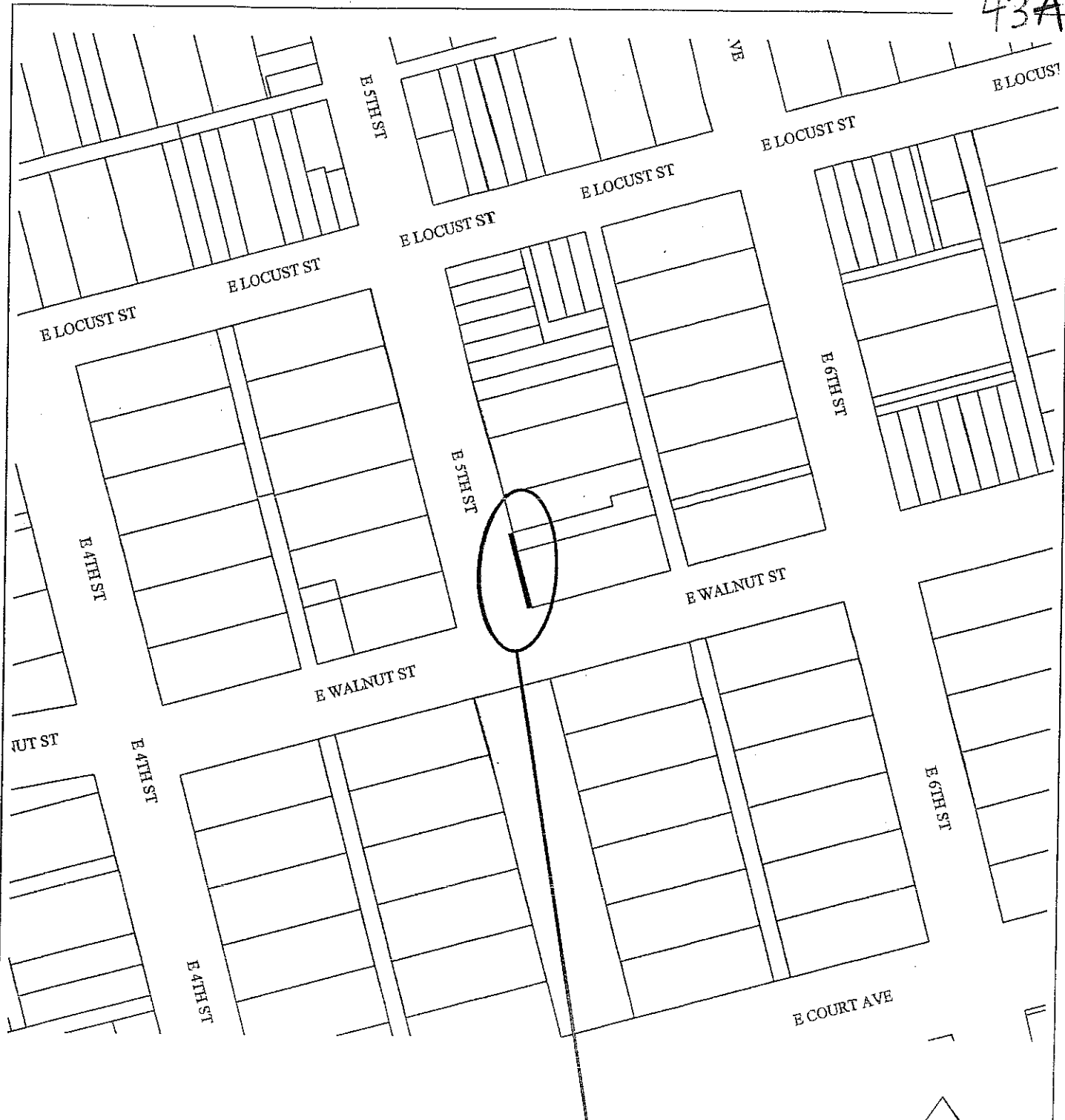
Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

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
Assistant City Attorney



PROJECT LOCATION

305 E. 5TH STREET
 VACATE AND CONVEY
 OF AIR SPACE
 34-2008-053