

★ **Roll Call Number**

Agenda Item Number

*65A*

Date July 10, 2006

An Ordinance entitled, "AN ORDINANCE vacating the East/West alley between the North/South alley and East 6<sup>th</sup> Street, South of East Locust Street, and air rights above portions of the East 8.3 feet of the North/South alley, the South 8.3 feet of East Locust Street and the West 8.3 feet of East 6<sup>th</sup> Street adjoining property owned by Iowa State Bank at 521 East Locust Street",

presented.

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

FORM APPROVED:

(First of three required readings)

*Ann DiDonato*  
 Ann DiDonato  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
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

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

AN ORDINANCE vacating the East/West alley between the North/South alley and East 6<sup>th</sup> Street, South of East Locust Street, and air rights above portions of the East 8.3 feet of the North/South alley, the South 8.3 feet of East Locust Street and the West 8.3 feet of East 6<sup>th</sup> Street adjoining property owned by Iowa State Bank at 521 East 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:

Section 1. That the East/West alley between the North/South alley and East 6<sup>th</sup> Street, South of East Locust Street, and air rights above portions of the East 8.3 feet of the North/South alley, the South 8.3 feet of East Locust Street and the West 8.3 feet of East 6<sup>th</sup> Street adjoining property owned by Iowa State Bank at 521 East Locust Street, more specifically described as follows, be and is hereby vacated.

The South 10.0 feet of Lot 11, Block D, Griffith's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines. Polk County, Iowa.

And

All of the Air Space which is located above the East 8.30 feet of North/South alley right-of-way lying West of and adjoining Lot 12, Block D, Griffith's Addition, an Official Plat, and lying West of and adjoining the North 50.0 feet of Lot 11 of said Block D, which is located below a plane with an elevation of 106.00 feet, City Datum and which is located above a plane with an elevation of 53.10 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 31.10' City Datum.)

DESCRIPTION REVIEWED

*Ann DiDonato*  
6/14/06 15:25

And

All of the Air Space which is located above the South 8.30 feet of East Locust Street right-of-way lying North of and adjoining the West 70.0 feet of Lot 12, Block D, Griffith's Addition, an Official Plat, which is located below a plane with an elevation of 106.00 feet, City Datum, and which is located above a plane with an elevation of 53.10 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 31.10' City Datum.)

And

All of the Air Space which is located above the West 8.30 feet of East 6<sup>th</sup> Street right-of-way lying East of and adjoining Lots 7, 8, 9 and 10, Block D, Griffith's Addition, an Official Plat, which is located below a plane with an elevation of 60.66 feet, City Datum and which is located above a plane with an elevation of 43.00 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 30.00' City Datum at the Northeast corner of said Lot 10, and being 27.50' City Datum at the Southeast corner of said lot 7.)


DESCRIPTION REVIEWED

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.

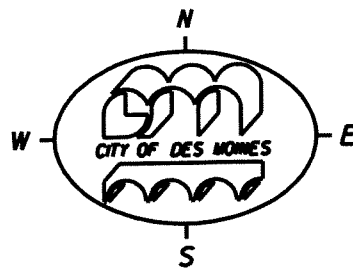
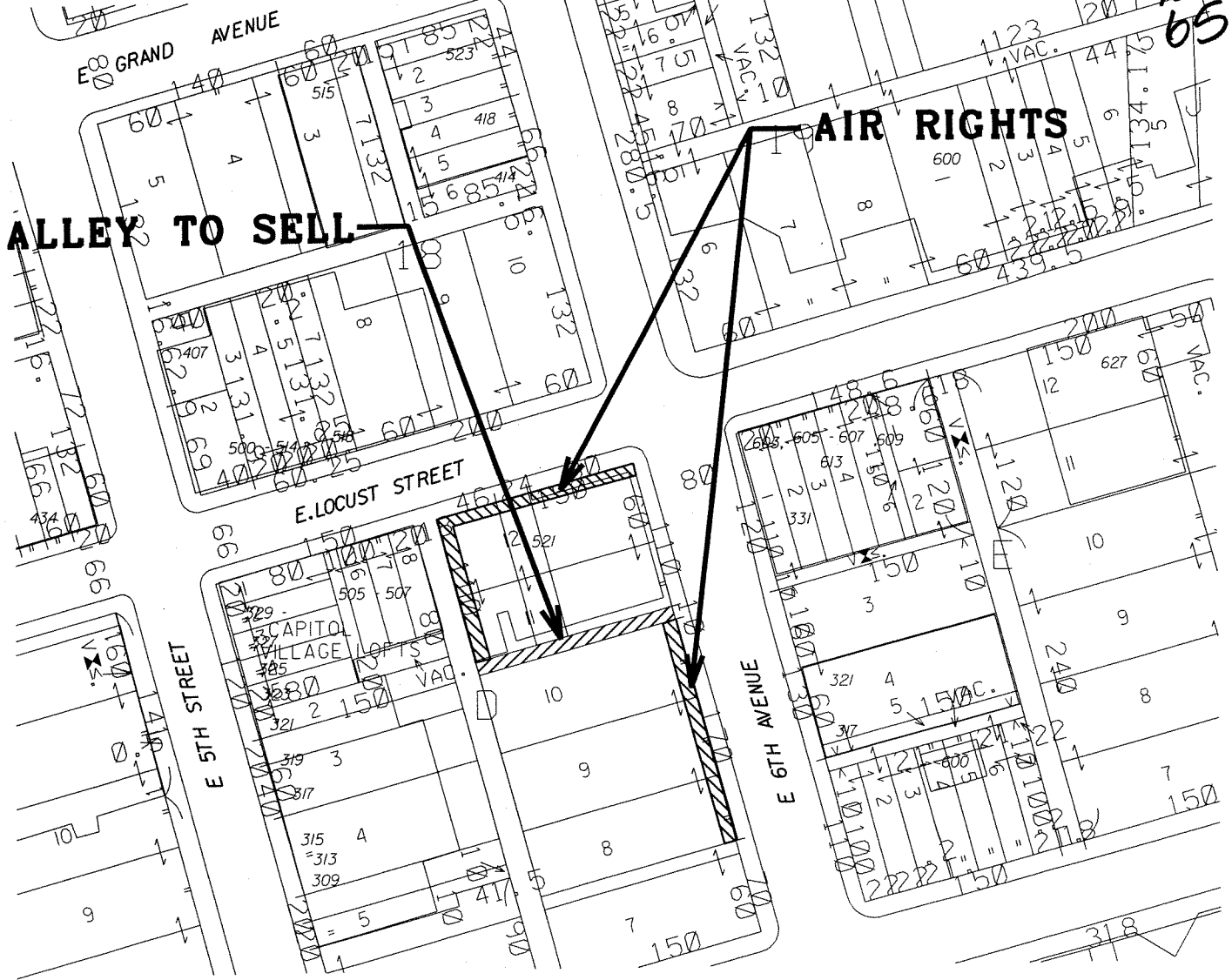
Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

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

708  
65



**PROPERTY DISPOSITION  
519 E. LOCUST STREET  
ACTIVITY I.D. 34-2006-036**