

★ Roll Call Number

Agenda Item Number

60 A

Date August 20, 2007


An Ordinance entitled, "AN ORDINANCE vacating an encroachment easement and air rights easement to allow encroachment of the existing building at 3510 University",

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.

 City Clerk

MOTION CARRIED

APPROVED

.....
 Mayor

60A

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 encroachment easement and air rights easements to allow encroachments of the existing building at 3510 University.

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 encroachment easement and air rights easements to allow encroachments of the existing building at 3510 University, more specifically described as follows, be and is hereby vacated.

Encroachment

The South 0.8 feet of University Avenue right-of-way lying North of and adjoining the West 40.0 feet of Lot 1, Kauffman Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Air Space

All of the air space which is located above the South 4.0 feet of University Avenue right-of-way lying North of and adjoining the West 40.00 feet of Lot 1, Kauffman Place, an Official Plat, and lying North of and adjoining the East 3.0 feet of Lot 13, of said Kauffman Place, which is located below a plane with an elevation of 200.00 feet, City Datum, and which is above a plane with an elevation of 192.00 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (With ground level elevation being 183.0 feet, City Datum.)

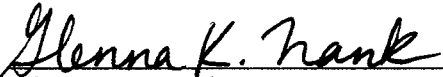
DESCRIPTION APPROVED
[Signature]
6/14/07 cd:sk

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.

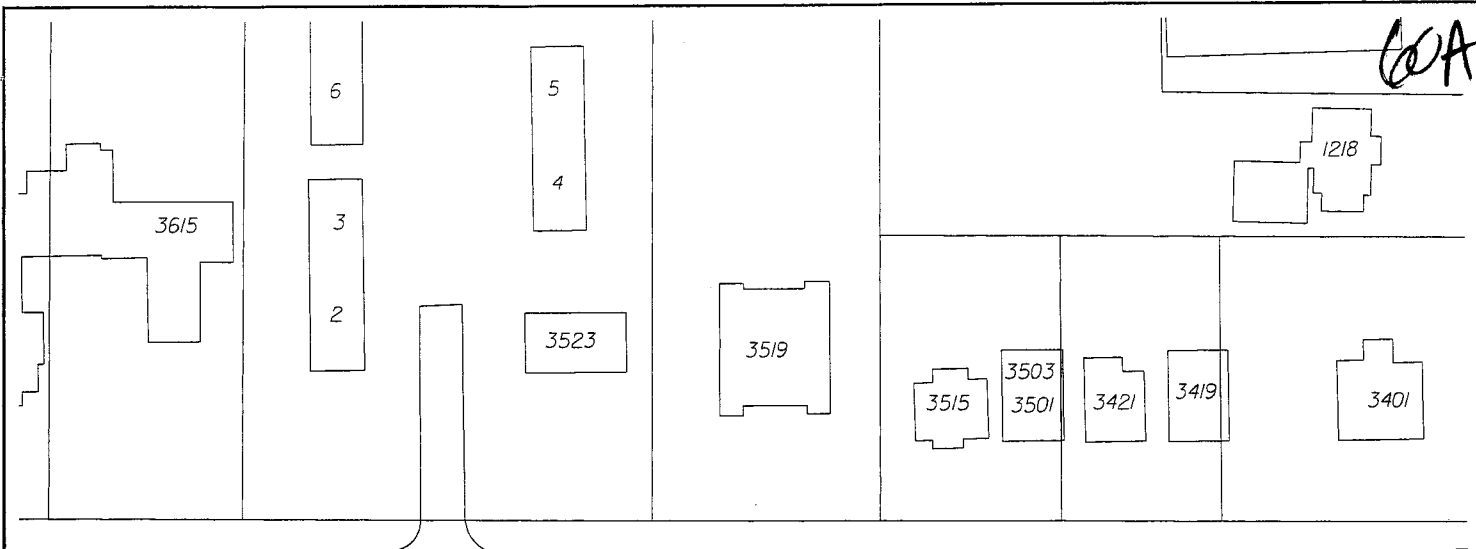
Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

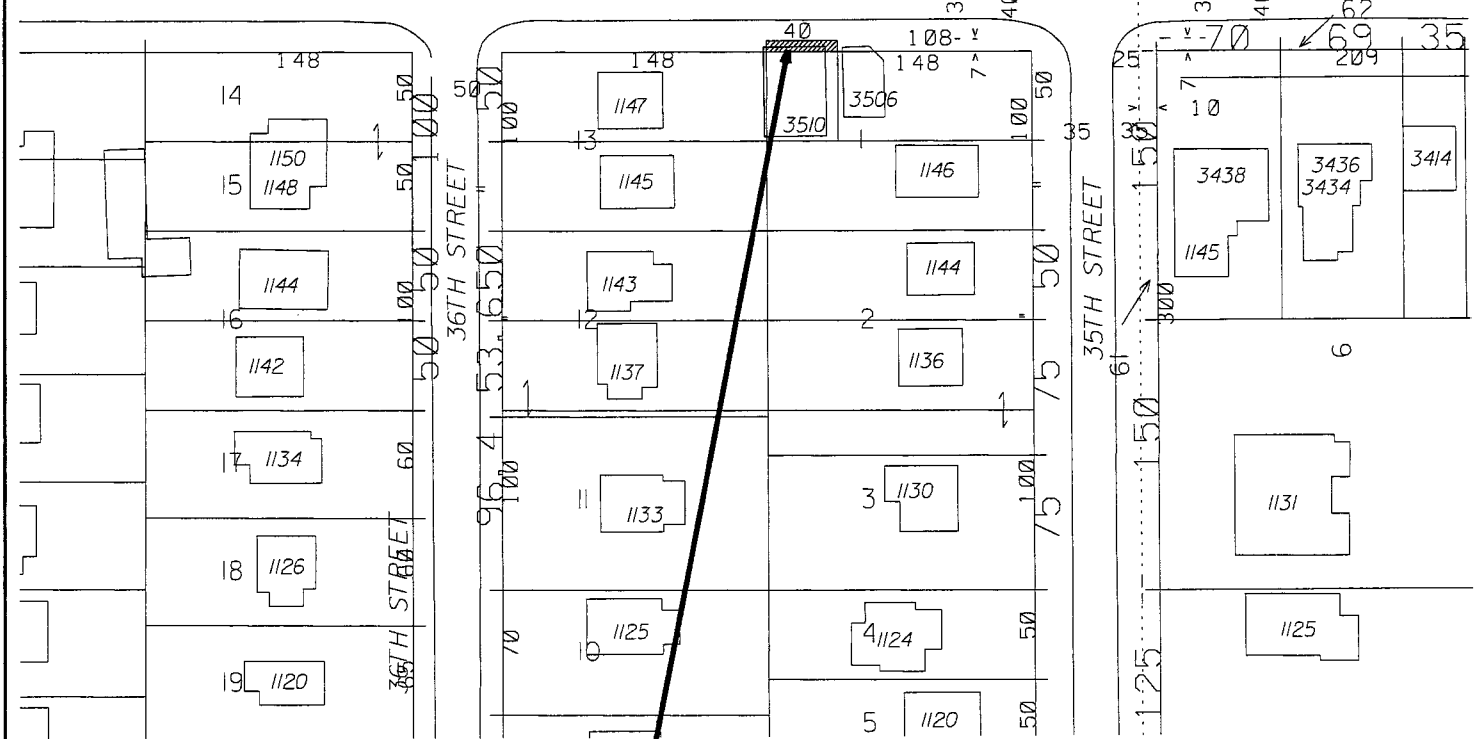


Glenna K. Frank

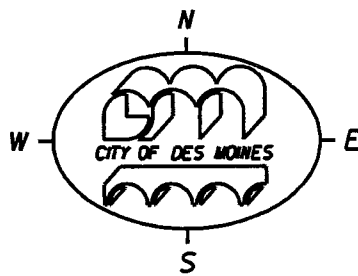
Glenna K. Frank
Assistant City Attorney



UNIVERSITY AVENUE



**PROJECT
LOCATION**



**GENERAL DISPOSITION
AIR RIGHTS & ENCROACHMENT EASEMENT
3510 UNIVERSITY AVENUE
ACTIVITY I.D. 34-2008-004**