

★ **Roll Call Number**

**Agenda Item Number**

57B

Date August 24, 2009

An Ordinance entitled, "AN ORDINANCE vacating the north/south alley between S.W. 1<sup>st</sup> Street and Indianola Avenue from Edison Avenue to Indianola Avenue",

which was considered and voted upon under Roll Call No.09-\_\_\_\_\_of August 24; 2009 again presented.

Moved by \_\_\_\_\_that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass.

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

NOTE: Waiver of this rule is requested by The St. Anthony's Church of Des Moines, Polk County, Iowa.

FORM APPROVED:

*Glenna K. Frank*  
Glenna K. Frank  
Assistant City Attorney

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

August 5, 2009

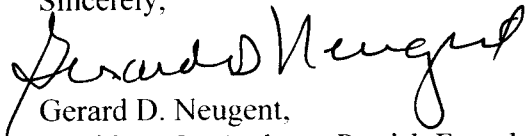
City Council  
City of Des Moines  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309-1891

RE: Ordinance Reading Waiver Request

City of Des Moines City Council:

Please accept this request to waive the three required ordinance readings to vacate the north/south alley between SW 1<sup>st</sup> Street and Indianola Avenue from Edison Avenue to Indianola Avenue.

Sincerely,



Gerard D. Neugent,  
President, St. Anthony Parrish Foundation

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 the north/south alley between S.W. 1<sup>st</sup> Street and Indianola Avenue from Edison Avenue to Indianola Avenue.

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:

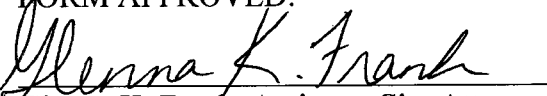
Section 1. That the north/south alley between S.W. 1<sup>st</sup> Street and Indianola Avenue from Edison Avenue to Indianola Avenue, more specifically described as follows, be and is hereby vacated.

All that part of North/South Alley right-of-way lying South of the southwesterly right-of-way line of Indianola Avenue and lying northerly of the northwesterly extension of the Southerly line of Lot 5, Block 11, Van's Addition, an Official Plat, and lying easterly of and adjoining Lots 3 and 4 of said Block 11, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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