

★ Roll Call Number

Agenda Item Number

45A

Date October 22, 2007

An Ordinance entitled, "AN ORDINANCE vacating an encroachment easement and air space easement to allow for installation of bay windows on the south and west facades of the existing building at 600 East Grand Avenue",

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COUNCIL ACTION, 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

45A

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 space easement to allow for installation of bay windows on the south and west facades of the existing building at 600 East Grand 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 an encroachment easement and air space easement to allow for installation of bay windows on the south and west facades of the existing building at 600 East Grand Avenue, more specifically described as follows, be and is hereby vacated.

Encroachment Easement

All that part of East Grand Avenue and East 6th Avenue adjacent to Lot 7, Block 20, in East Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Beginning at the southwesterly corner of said Lot 7; thence North 75°(Degrees) 03'(Minutes) 03"(Seconds) East, along the North right-of-way of East Grand Avenue, a distance of 40.60 feet; thence South 14°46'23" East, a distance of 0.21 feet; thence South 74°49'03" West, a distance of 40.86 feet; thence North 14°54'03" West, a distance of 80.06 feet; thence North 74°48'27" East, a distance of 0.46 feet, to a point on the East right-of-way of East 6th Avenue; thence South 14°45'38" East, along said right-of-way, a distance of 79.68 feet to the Point of Beginning. Containing 41 sq. ft. more or less.

DESCRIPTION REVIEWED
[Signature]
10/08/07 10:49

Air Space Easement

All of the Air Space which is located above the following description of the road right-of-way of East 6th Street, North of East Grand Avenue and East Grand Avenue, East of East 6th Street, and adjacent to Lot 7, Block 20 in East Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa:

DESCRIPTION REVIEWED
Glenna K. Frank
10/22/07 10:46

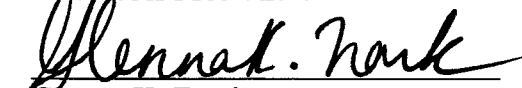
Commencing at the southwesterly corner of said Lot 7, thence North 75°(Degrees) 03'(Minutes) 03"(Seconds) East, along the North right-of-way of East Grand Avenue, a distance of 40.60 feet; thence South 14°46'23" East, a distance of 0.21 feet, to the Point of Beginning; thence South 14°46'23" East, a distance of 2.40 feet; thence South 74°49'03" West, a distance of 43.26 feet; thence North 14°54'03" West, a distance of 82.46 feet; thence North 74°48'27" East, a distance of 2.40 feet; thence South 14°54'03" East, a distance of 80.06 feet; thence North 74°49'03" East, a distance of 40.86 feet to the Point of Beginning. Containing 296 sq ft. more or less. Which is located below a plane with an elevation of 80.00 feet, City Datum, and which is located above a plane with an elevation of 59.50 feet, City Datum.

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