

★ **Roll Call Number**

Agenda Item Number

39

Date October 23, 2006

An Ordinance entitled, "AN ORDINANCE vacating the North 25 feet of Army Post Road right-of-way between SW 5th Street and SW 6th",

which was considered and voted upon for the first time under Roll Call No. 06-1918 of September 25, 2006, and considered and voted upon for the second time under Roll Call No. 06-2003 of October 9, 2006, again presented.

Moved by _____ that this ordinance do now pass.

ORDINANCE NO. _____

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

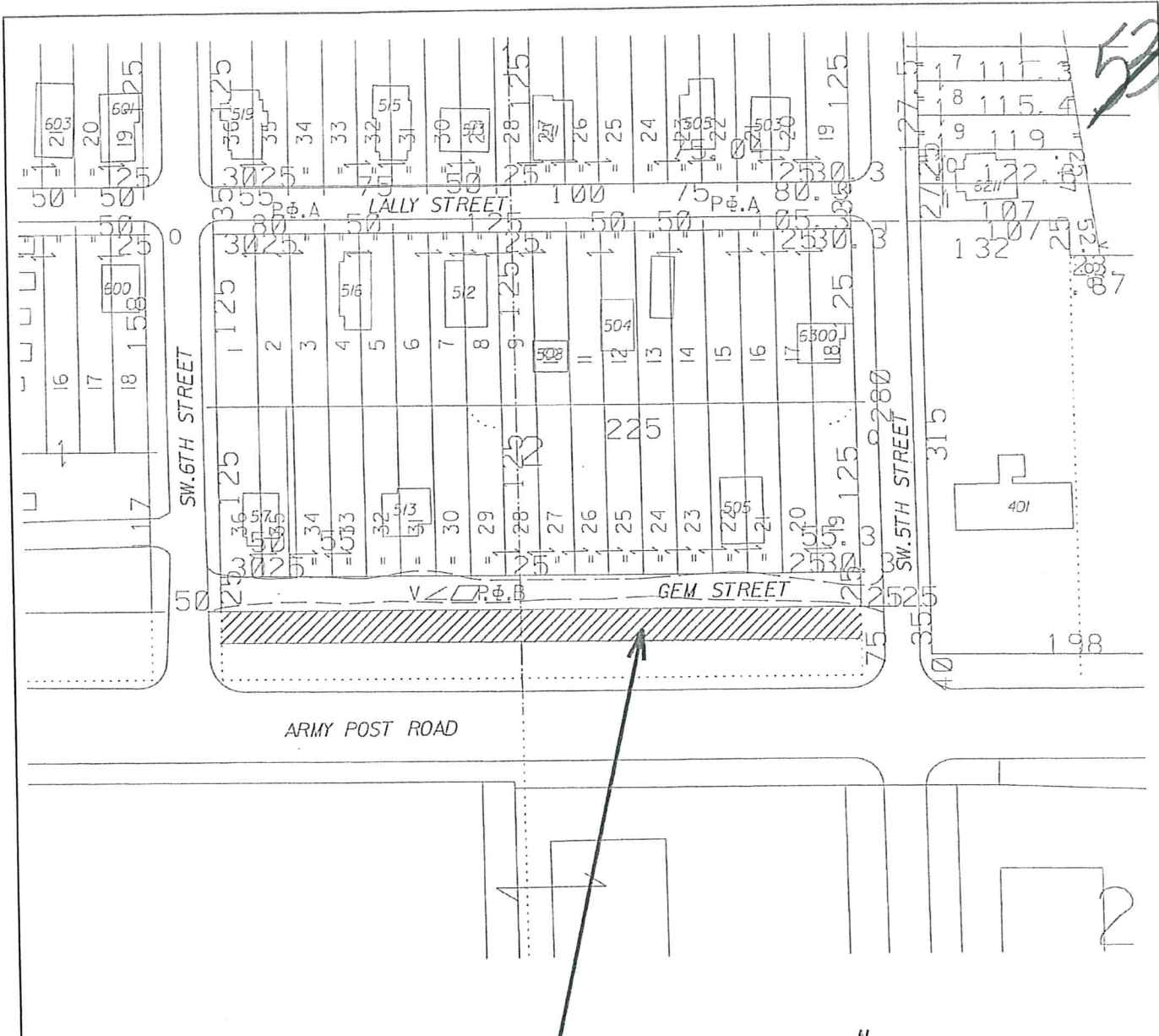
MOTION CARRIED

APPROVED

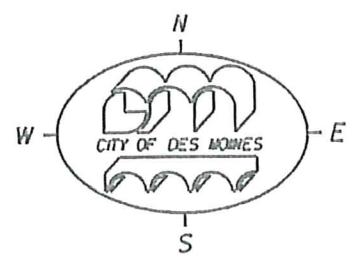
Mayor

City Clerk

5239



PROPERTY
LOCATION



PROPERTY DISPOSITION
 NORTH 25' ARMY POST ROAD R.O.W.
 BETWEEN S.W. 5TH & S.W. 6TH STREETS
 ACTIVITY I.D. 34-2006-012

5339

Prepared by: Ann DiDonato, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50320 (515) 283-4130

ORDINANCE NO. _____

AN ORDINANCE vacating the North 25 feet of Army Post Road right-of-way between SW 5th Street and SW 6th.

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 25 feet of Army Post road right-of-way between SW 5th Street and SW 6th more specifically described as follows, be and is hereby vacated.

The North 25.00 feet of the South 75.00 feet of the West 460.80 feet of the East 1532.80 feet of Army Post Road right-of-way being in the Southeast ¼ of Section 28, Township 78 North, Range 24 West of the 5th P.M., 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:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

DESCRIPTION APPROVED
[Signature]
3/10/06 C.R.B.