

★ **Roll Call Number**

Agenda Item Number

48A

Date October 23, 2006

An Ordinance entitled, "AN ORDINANCE vacating the East 10 feet of SE 10<sup>th</sup> Street and the West 10 feet of SE 11<sup>th</sup> Street adjoining 1005 Maury 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				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

48A

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 East 10 feet of SE 10<sup>th</sup> Street and the West 10 feet of SE 11<sup>th</sup> Street adjoining 1005 Maury 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 10 feet of SE 10<sup>th</sup> Street and the West 10 feet of SE 11<sup>th</sup> Street adjoining 1005 Maury Street, more specifically described as follows, be and is hereby vacated.

The East 10.0 feet of Southeast 10<sup>th</sup> Street right-of-way lying West of and adjoining Lots 1 through 5, Block 5, Allen's Second Addition to Des Moines, an Official Plat; and the West 10.0 feet of Southeast 11<sup>th</sup> Street right-of-way lying East of and adjoining Lots 6 through 10, of said Block 5, 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.

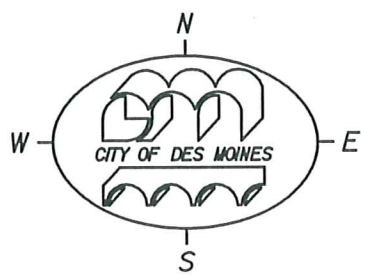
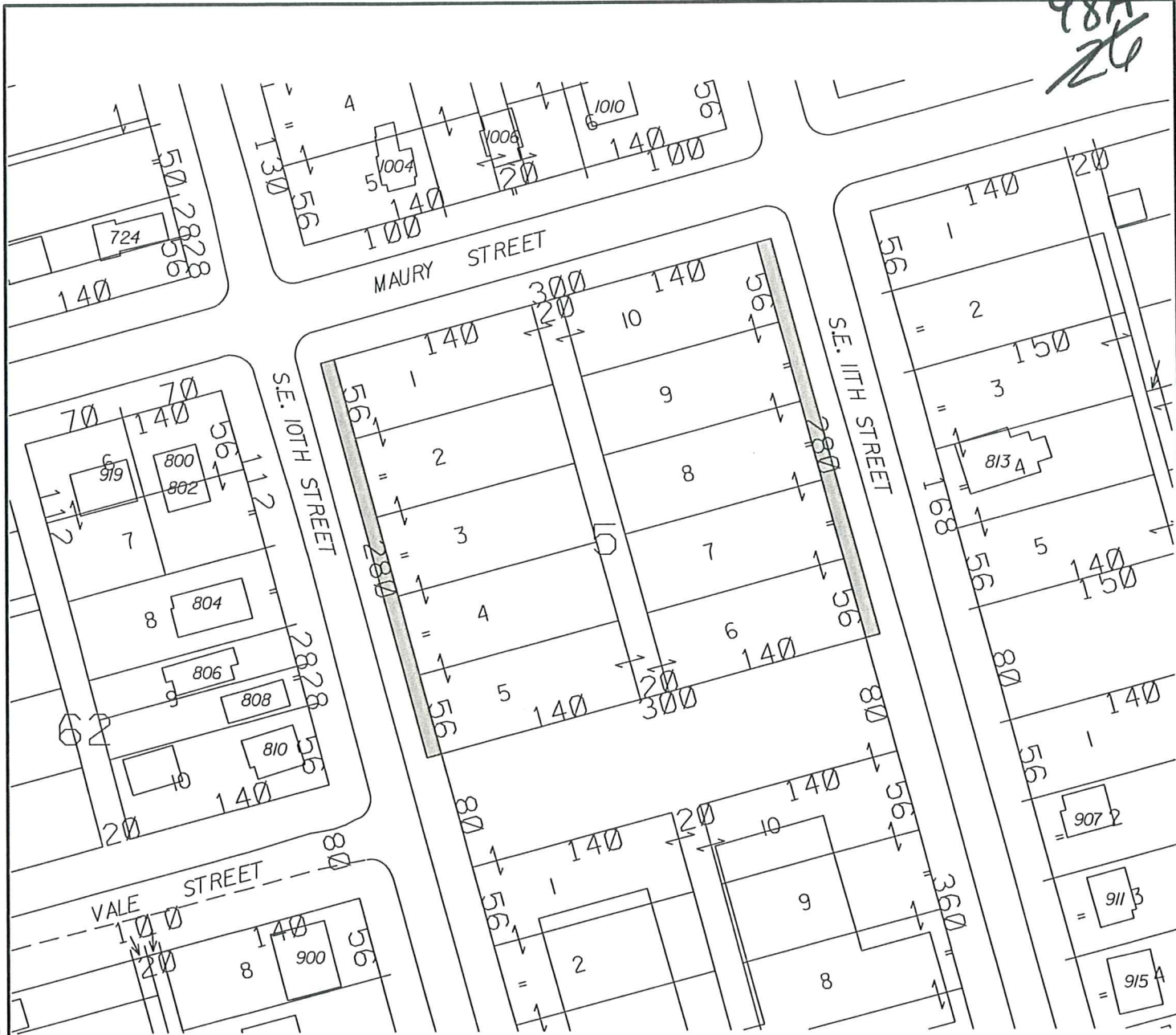
FORM APPROVED:

Ann DiDonato

Ann DiDonato  
Assistant City Attorney

DESCRIPTION APPROVED  
*[Signature]*  
10/10/06 15:00

48A  
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THE SOUTHERN ROSE, LP  
ACTIVITY I.D. 34-2005-040  
E. 10' SE 10TH STREET  
AND W. 10' SE 11TH STREET