



**Roll Call Number**

**Agenda Item Number**

50A

**Date** November 10, 2008

An Ordinance entitled, "AN ORDINANCE vacating a segment of Cottage Grove Avenue right-of-way adjoining 1912 Cottage Grove 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*

Glenna K. Frank  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				
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

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 a segment of Cottage Grove Avenue right-of-way adjoining 1912 Cottage Grove 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 a segment of Cottage Grove Avenue right-of-way adjoining 1912 Cottage Grove Avenue, more specifically described as follows, be and is hereby vacated.

A triangular shaped portion of the Cottage Grove Avenue Right-of-Way as it is presently established more particularly described as follows:

Commencing at the Southwest corner of Lot 6, Block E, Kuhn's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence North 00° (degrees) 09'(minutes) 11" (Seconds) West along the West line of said Lot 6, a distance of 56.11 feet ; thence North 34°50'20" East, a distance of 61.46 feet to the southerly Right-of-Way line of said Cottage Grove Avenue, as it is presently established; thence North 89°46' 40" East, along the southerly Right-of-Way line of said Cottage Grove Avenue, a distance of 57.73 feet, thence North 00° 57' 59" West, along a jog in the southerly Right-of-Way line of said Cottage Grove Avenue, a distance of 3.55 feet to the point of beginning, thence North 89°20' 01" East, a distance of 7.50 feet; thence South 00° 57'59" East, a distance of 5.36 feet to the southerly Right-of-Way line of said Cottage Grove Avenue, thence North 55° 24' 43" West along the southerly Right-of-Way line of said Cottage Grove Avenue, a distance of 9.22 feet to the point of beginning.

DESCRIPTION APPROVED  
APPROVED  
11/09/08 10:30

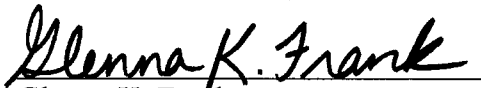
Said tract of land contains 20.1 square feet more or less.

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.

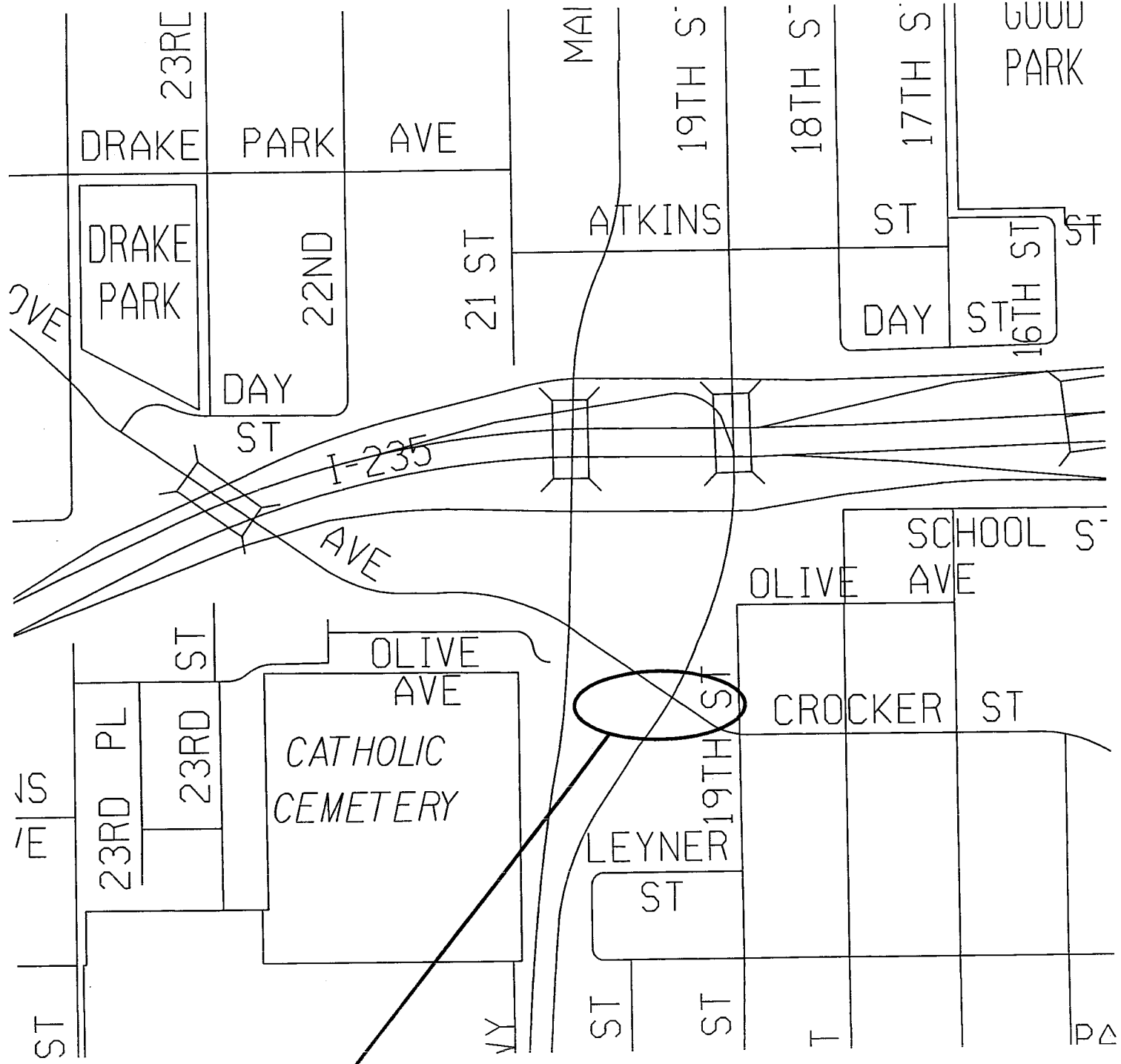
Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

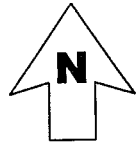
A handwritten signature in black ink that reads "Glenna K. Frank". The signature is written in a cursive style and is positioned above a horizontal line.

Glenna K. Frank  
Assistant City Attorney

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PROJECT LOCATION



**BUILDING ENCROACHMENT  
EASEMENT FOR  
1910 COTTAGE GROVE AVE.  
34-2009-000**