

★ Roll Call Number

Agenda Item Number

52A

Date October 25, 2010

An Ordinance entitled, "AN ORDINANCE vacating a portion of the Urbandale Avenue right-of-way adjoining 4041 Urbandale Avenue for use as a sidewalk cafe,"

is presented.

MOVED by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

(First of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

52A

Prepared by:	Roger K. Brown, Assistant City Attorney, 400 Robert Ray Dr., Des Moines, IA 50309 515/283-4541
Return Address:	City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309
Taxpayer:	No change
Title of Document:	Ordinance No. _____
Grantor/Grantee Name:	City of Des Moines, Iowa
Legal Description:	See below on this page.

ORDINANCE NO. _____

AN ORDINANCE vacating a portion of the Urbandale Avenue right-of-way adjoining 4041 Urbandale Avenue for use as a sidewalk cafe.

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, as follows:

Section 1. That a portion of the Urbandale Avenue right-of-way adjoining 4041 Urbandale Avenue, more specifically described as follows, be and is hereby vacated:

A PART OF URBANDALE AVENUE RIGHT-OF-WAY BEING IN THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 9, BEAVER GLEN, AN OFFICIAL PLAT; THENCE SOUTH 65°38'13" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 9, A DISTANCE OF 225.23 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 65°38'13" EAST ALONG SAID SOUTHERLY LINE,

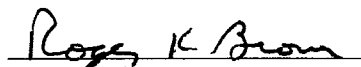
62.37 FEET; THENCE SOUTH 69°21'47" WEST, 2.17 FEET; THENCE NORTH 65°38'13" WEST, 4.47 FEET; THENCE SOUTH 69°21'47" WEST, 6.39 FEET; THENCE NORTH 65°38'13" WEST, 35.26 FEET; THENCE NORTH 20°38'13" WEST, 6.32 FEET; THENCE NORTH 65°38'13" WEST, 10.50 FEET; THENCE NORTH 20°38'13" WEST, 2.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 274 S.F.

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:



Roger K. Brown

Assistant City Attorney

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