

★ Roll Call Number

Agenda Item Number  
46A

Date March 25, 2013

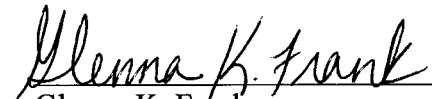
An Ordinance entitled, "AN ORDINANCE permanently vacating a portion of Southeast 18<sup>th</sup> Street right-of-way adjoining 410 SE 18<sup>th</sup> Street and repealing Ordinance No. 15,158",

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

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

46A

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4530  
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE permanently vacating a portion of Southeast 18<sup>th</sup> Street right-of-way adjoining 410 SE 18<sup>th</sup> Street and repealing Ordinance No. 15,158.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, by Ordinance No. 15,158, passed January 28, 2013, after notice and public hearing, the City Council intended to vacate the right-of-way described below, but said Ordinance contained an error in the legal description; 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:

Sec. 1. That a portion of Southeast 18<sup>th</sup> Street right-of-way adjoining 410 SE 18<sup>th</sup> Street, more specifically described as follows, be and is hereby vacated.

A PORTION OF SOUTHEAST 18TH STREET RIGHT OF WAY ADJOINING LOT 3 OF THE OFFICIAL PLAT OF LOT 45, BROOKS & COS ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 00°(DEGREES) 08'(MINUTES) 48"(SECONDS) WEST, 183.75 FEET ON THE WEST RIGHT OF WAY LINE OF SOUTHEAST 18TH STREET; THENCE SOUTH 43°34'03" EAST, 36.37 FEET; THENCE SOUTH 00°08'48" EAST, 157.56 FEET; THENCE NORTH 89°37'10" WEST, 25.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.10 ACRES MORE OR LESS.

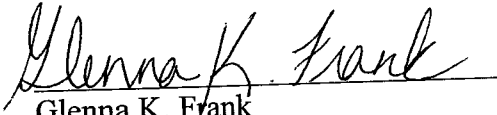
Sec. 2. The City of Des Moines hereby reserves an easement upon the property described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

Sec. 3. That Ordinance No. 15,158, passed January 28, 2013, is hereby repealed. This Ordinance is intended to replace Ordinance No. 15,158.

Sec. 4. 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. 5. 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 cursive script that reads "Glenna K. Frank". The signature is written in black ink and is positioned above a horizontal line.

Glenna K. Frank  
Assistant City Attorney