

Date October 7, 2013

An Ordinance entitled, "AN ORDINANCE vacating a portion of air space over the north four feet of East Locust Street adjoining 350 East Locust Street",

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				
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

42A

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 vacating a portion of air space over the north four feet of East Locust Street adjoining 350 East Locust 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:

Sec. 1. That a portion of air space over the north four feet of East Locust Street adjoining 350 East Locust Street, more specifically described as follows, be and is hereby vacated:

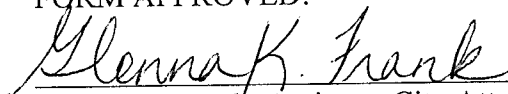
ALL OF THE AIR SPACE WHICH IS LOCATED ABOVE THE NORTH 4.0 FEET OF EAST LOCUST STREET RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO PARCEL "B" OF THE PLAT OF SURVEY RECORDED IN BOOK 10868, PAGES 275-276 IN THE POLK COUNTY RECORDER'S OFFICE, POLK COUNTY, IOWA; LOCATED BELOW A PLANE WITH AN ELEVATION OF 67.40 FEET (CITY OF DES MOINES DATUM) AND ABOVE A PLANE WITH AN ELEVATION OF 56.40 FEET, ALL 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:



Glenna K. Frank, Assistant City Attorney