

★ Roll Call Number

Agenda Item Number  
47A

Date December 7, 2015


An Ordinance entitled, "AN ORDINANCE vacating a 6 foot by 12.75 foot segment of East 5<sup>th</sup> Street adjoining 407 East 5<sup>th</sup> Street",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

  
Lisa A. Wieland  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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

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Prepared by: Lisa A. Wieland, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4124  
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

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

AN ORDINANCE vacating a 6 foot by 12.75 foot segment of East 5<sup>th</sup> Street adjoining 407 East 5<sup>th</sup> 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 6 foot by 12.75 foot segment of East 5<sup>th</sup> Street adjoining 407 East 5<sup>th</sup> Street, more specifically described as follows, be and is hereby vacated:

A PART OF VACATED EAST 5<sup>TH</sup> STREET RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 1, H.E. TEACHOUT PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 21 FEET AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH ALONG SAID WEST LINE, 12.75 FEET; THENCE WESTERLY AND PERPENDICULAR TO SAID WEST LINE, 6 FEET; THENCE NORTHERLY AND PARALLEL TO SAID WEST LINE, 12.75 FEET; THENCE EASTERLY AND PERPENDICULAR TO SAID WEST LINE, 6 FEET TO THE POINT OF BEGINNING.

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.

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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:



Lisa A. Wieland  
Assistant City Attorney