

★ Roll Call Number

Agenda Item Number

44

Date December 19, 2016

An Ordinance entitled, "AN ORDINANCE vacating a portion of Southwest 5<sup>th</sup> Street right-of-way adjoining 300 Southwest 5<sup>th</sup> Street",

which was considered and voted upon under Roll Call No. 16-2109 of December 5, 2016; again presented.

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

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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

16-2109  
~~507~~  
44

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 portion of Southwest 5<sup>th</sup> Street right-of-way adjoining 300 Southwest 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 portion of Southwest 5<sup>th</sup> Street right-of-way adjoining 300 Southwest 5<sup>th</sup> Street, more specifically described as follows, be and is hereby vacated:

A 3.00 FOOT WIDE PORTION OF SW 5TH STREET LYING EAST OF AND ADJACENT TO LOT 12 IN THE REPLAT OF PART OF FACTORY ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 12; THENCE S15°18'43"E ASSUMED BEARING FOR THIS DESCRIPTION ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 46.00 FEET TO THE POINT OF BEGINNING; THENCE N74°41'17"E, A DISTANCE OF 3.00 FEET; THENCE S15°18'43"E PARALLEL WITH AND 3.00 FEET EAST OF THE EAST LINE OF SAID LOT 12, A DISTANCE OF 10.00 FEET; THENCE S74°41'17"W, A DISTANCE OF 3.00 FEET TO THE EAST LINE OF SAID LOT 12; THENCE N15°18'43"W ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 30.00 SQUARE FEET.

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.

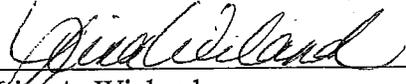
Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

16-2109 ~~SOA~~

44

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