

★ Roll Call Number

Agenda Item Number

58 A

Date December 18, 2017

An Ordinance entitled, "AN ORDINANCE vacating the east-west and north-south portions of undeveloped alley in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street, in the vicinity of 335 Forest Avenue",

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				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

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.

City Clerk

58A

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 the east-west and north-south portions of undeveloped alley in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street, in the vicinity of 335 Forest Avenue.

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 the east-west and north-south portions of undeveloped alley in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street, in the vicinity of 335 Forest Avenue, more specifically described as follows, be and is hereby vacated:

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BATES' SECOND ADDITION, AN OFFICIAL PLAT, LYING EAST OF AND ADJOINING LOTS 81 THROUGH 89 IN SAID BATES' SECOND ADDITION;

AND

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, LYING WEST OF AND ADJOINING LOTS 57 THROUGH 66 IN SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES;

AND

ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY IN SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 66 IN SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, AND LYING EAST OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES;

AND

ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY IN SAUSERMAN'S SECOND ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 66 IN SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, AND LYING EAST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 1 IN SAID SAUSERMAN'S SECOND ADDITION TO NORTH DES MOINES;

ALL NOW 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:



Lisa A. Wieland
Assistant City Attorney

EXHIBIT A

