



Roll Call Number

Agenda Item Number

53A

Date April 9, 2018


An Ordinance entitled, "AN ORDINANCE vacating a portion of the undeveloped excess Southeast 30<sup>th</sup> Street right-of-way located north of and adjoining 308 Southeast 30<sup>th</sup> Street, and located north of and adjoining 244 Southeast 30<sup>th</sup> Street, and a segment of East Elm Street right-of-way located south of and adjoining 244 Southeast 30<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				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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

53A

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 the undeveloped excess Southeast 30<sup>th</sup> Street right-of-way located north of and adjoining 308 Southeast 30<sup>th</sup> Street, and located north of and adjoining 244 Southeast 30<sup>th</sup> Street, and a segment of East Elm Street right-of-way located south of and adjoining 244 Southeast 30<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 the undeveloped excess Southeast 30<sup>th</sup> Street right-of-way located north of and adjoining 308 Southeast 30<sup>th</sup> Street, and located north of and adjoining 244 Southeast 30<sup>th</sup> Street, and a segment of East Elm Street right-of-way located south of and adjoining 244 Southeast 30<sup>th</sup> Street, more specifically described as follows, be and is hereby vacated:

-EXCEPT THE EAST 6 FEET-, THE SOUTH 40 FEET OF THE NORTH 80 FEET OF LOT 2, PINEGAR PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

THE WEST 65 FEET OF LOTS 28, 29 AND 30, R.W. WEST'S SUB-DIVISION OF LOT 11 OF THE OFFICIAL PLAT OF THE SOUTH HALF (1/2) OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M.;

AND

53A

ALL THAT PART OF EAST ELM STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING A PART OF LOT 26 IN SAID R.W. WEST'S SUBDIVISION AND LYING WEST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF THE EAST 6 FEET OF LOT 2 IN PINEGAR PLACE, AN OFFICIAL PLAT, AND LYING EAST OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 26;

AND

-EXCEPT THE EAST 6 FEET-, THE NORTH 40 FEET OF LOT 2 IN SAID PINEGAR PLACE;

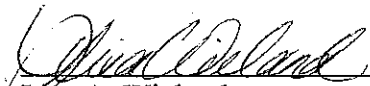
ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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