



Roll Call Number

Agenda Item Number

58A

Date June 3, 2019

An Ordinance entitled, "AN ORDINANCE vacating the north-south alley right-of-way located west of and adjoining 1013 Scott Avenue",

presented.

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

FORM APPROVED:

(First of three required readings)

Ann DiDonato

Ann DiDonato
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and 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

58A

Prepared by: Ann DiDonato, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4130
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

ORDINANCE NO. _____

AN ORDINANCE vacating the north-south alley right-of-way located west of and adjoining 1013 Scott 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 north-south alley right-of-way located west of and adjoining 1013 Scott Avenue, more specifically described as follows, be and is hereby vacated.

A PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 3, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 10 IN SAID BLOCK 3; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID VACATED NORTH/SOUTH ALLEY RIGHT OF WAY, A DISTANCE OF 120 FEET; THENCE SOUTHWESTERLY ALONG A LINE THAT IS PARALLEL WITH THE SOUTHWESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 10, TO THE WESTERLY LINE OF SAID VACATED NORTH/SOUTH ALLEY RIGHT OF WAY; THENCE NORTHWESTERLY ALONG SAID WESTERLY VACATED RIGHT OF WAY LINE, TO THE NORTHEAST CORNER OF LOT 1 IN SAID BLOCK 3; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING, AND CONTAINING APROXIAMATELY 2,400 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.

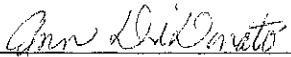
Sec. 3. The vacation also be subject to:

- (1) Reservation of easements for any existing utilities; and
- (2) Reservation of a 16-foot wide easement, running the full length of the vacated north/south alley, to provide vehicular access from the adjoining public street network to 1003 Scott Avenue and to Polk County District/Parcel No. #040/00033-000-000.

Sec. 4. 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. 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



Ann DiDonato
Assistant City Attorney