



**Roll Call Number**

**Agenda Item Number**

59A

**Date** ..... November 23, 2020 .....

An Ordinance entitled, "AN ORDINANCE vacating the east/west alley right-of-way located north of and adjoining 809 Virginia Avenue, and the north/south alley right-of-way located west of and adjoining 809 Virginia 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				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED  
\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, P. Kay Cmelik, 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

SAA

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 alley right-of-way located north of and adjoining 809 Virginia Avenue, and the north/south alley right-of-way located west of and adjoining 809 Virginia 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 a portion of the east/west alley right-of-way located north of and adjoining 809 Virginia Avenue, and the north/south alley right-of-way located west of and adjoining 809 Virginia Avenue, more specifically described as follows, be and is hereby vacated:

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING THE WEST 60 FEET OF LOT 8, PROCTOR'S ADDITION, AN OFFICIAL PLAT, AND ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING SOUTH OF THE WESTERLY EXTENSION ON THE SOUTH LINE OF LOT 9 IN SAID PROCTOR'S ADDITION AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 8, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.12 ACRES (5,395 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.

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

FORM APPROVED:

A handwritten signature in cursive script, appearing to read "Lisa A. Wieland", is written over a horizontal line.

Lisa A. Wieland  
Assistant City Attorney

**EXHIBIT A**

**Broad St**

**LOT 1**

EAST LINE OF LOT 1

ALLEY

W 100' OF LOT 9

WEST LINE OF LOT 9

PT LOT 9

**PROCTOR'S ADDITION**

ALLEY

SOUTH LINE OF LOT 9

60'

NORTH LINE OF LOT 8

W 60' OF LOT 8

EAST LINE OF THE W 60' OF LOT 8

SOUTH LINE OF LOT 8

809 Virginia Ave

PT LOT 8

PT LOT 8

**LOT 2**

ALLEY

**Virginia Ave**



**Legend**  
 AREA TO BE VACATED