

Date December 21, 2020

An Ordinance entitled, "AN ORDINANCE repealing Ordinance Nos. 11,805 and 15,224 and vacating approximately 636.5 square feet of Court Avenue right-of-way located south of and adjoining 309 Court 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				

**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.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE repealing Ordinance Nos. 11,805 and 15,224 and vacating approximately 636.5 square feet of Court Avenue right-of-way located south of and adjoining 309 Court 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. Ordinance Nos. 11,805 and 15,224 are hereby repealed.

Sec. 2. That a portion approximately 307.08 square feet of Court Avenue right-of-way located south of and adjoining 309 Court Avenue, more specifically described as follows, be and is hereby vacated:

THE NORTH 9.5 FEET OF THE COURT AVENUE RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 7, BLOCK 24, FORT DES MOINES, AN OFFICIAL PLAT; AND THE NORTH 9.5 FEET OF THE COURT AVENUE RIGHT OF WAY LYING SOUTH OF AND ADJOINING THE WEST 1 FOOT OF LOT 8 IN SAID BLOCK 24; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 636.5 SQUARE FEET.

Sec. 3. 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. 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:

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**

**BLOCK 24  
FORT DES MOINES**

LOT 7

LOT 8

309  
Court Ave

ALLEY

NORTH ROW OF  
VAC PT COURT AVE

EAST LINE  
OF LOT 7

EAST LINE OF  
THE WEST 1 FOOT  
OF LOT 8

WEST 1 FT  
OF LOT 8

WEST LINE  
OF LOT 7

9.5 FT

67 FT

**Court Ave**



**Legend**

 CORRECTED VACATION AREA