

ORDINANCE NO. 16,386

AN ORDINANCE vacating air and subsurface rights in portions of Tuttle Street, SW 13th Street and Murphy Street right-of-way adjoining 1300 Tuttle 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 the air and subsurface rights in portions of Tuttle Street, SW 13th Street and Murphy Street right-of-way adjoining 1300 Tuttle Street, more specifically described as follows, be and is hereby vacated:

AIR RIGHTS

A-1

A PART OF LOT 'C', CENTRAL DES MOINES INDUSTRIAL PARK, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 41, GRAY'S STATION PLAT 5, AN OFFICIAL PLAT; THENCE NORTH 81°10'49" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 'C', 22.59 FEET TO THE POINT OF BEGINNING; THENCE NORTH 08°49'11" WEST, 2.00 FEET; THENCE NORTH 81°10'49" EAST, 260.00 FEET; THENCE SOUTH 08°49'11" EAST, 2.00 FEET TO SAID SOUTHERLY LINE; THENCE SOUTH 81°10'49" WEST ALONG SAID SOUTHERLY LINE, 260.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (520 SQUARE FEET). APPROXIMATE GROUND ELEVATION IS 20.00 FEET WITH THE BOTTOM OF BALCONY ELEVATION BEING APPROXIMATELY 27.00 FEET AND THE TOP OF BALCONY ELEVATION BEING APPROXIMATELY 65.00 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

A-2

A PART OF STREET LOT 'A', GRAY'S STATION PLAT 5, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID STREET LOT 'A'; THENCE SOUTH 06°58'06" EAST ALONG THE EASTERLY LINE OF SAID STREET LOT 'A', 17.52 FEET; THENCE SOUTHERLY ALONG SAID EASTERLY LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 856.39 FEET, WHOSE ARC LENGTH IS 54.99 FEET AND WHOSE CHORD BEARS SOUTH 04°59'29" EAST, 54.99 FEET TO THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID

EASTERLY LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 856.39 FEET, WHOSE ARC LENGTH IS 45.18 FEET AND WHOSE CHORD BEARS SOUTH 01°38'25" EAST, 45.18 FEET; THENCE SOUTH 00°08'11" EAST ALONG SAID EASTERLY LINE, 101.50 FEET; THENCE SOUTH 89°51'49" WEST, 3.50 FEET; THENCE NORTH 00°08'11" WEST, 101.50 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 852.89 FEET, WHOSE ARC LENGTH IS 45.00 FEET AND WHOSE CHORD BEARS NORTH 01°38'25" WEST, 44.99 FEET; THENCE NORTH 86°50'54" EAST, 3.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (513 SQUARE FEET). APPROXIMATE GROUND ELEVATION IS 20.00 FEET WITH THE BOTTOM OF BALCONY ELEVATION BEING APPROXIMATELY 27.00 FEET AND THE TOP OF BALCONY ELEVATION BEING APPROXIMATELY 65.00 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

A-3

A PART OF STREET LOT 'A', GRAY'S STATION PLAT 5, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 40, SAID GRAY'S STATION PLAT 5; THENCE SOUTH 00°08'11" EAST ALONG THE EAST LINE OF SAID STREET LOT 'A', 32.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°08'11" EAST ALONG SAID EAST LINE, 110.00 FEET; THENCE SOUTH 89°51'49" WEST, 2.00 FEET; THENCE NORTH 00°08'11" WEST, 110.00 FEET; THENCE NORTH 89°51'49" EAST, 2.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (220 SQUARE FEET). APPROXIMATE GROUND ELEVATION IS 22.00 FEET WITH THE BOTTOM OF BALCONY ELEVATION BEING APPROXIMATELY 29.00 FEET AND THE TOP OF BALCONY ELEVATION BEING APPROXIMATELY 67.00 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

A-4

A PART OF STREET LOT 'B', GRAY'S STATION PLAT 5, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID STREET LOT 'B'; THENCE SOUTH 89°19'18" EAST ALONG THE NORTH LINE OF SAID STREET LOT 'B', 18.24 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°19'18" EAST ALONG SAID NORTH LINE, 150.00 FEET; THENCE SOUTH 00°40'42" WEST, 2.00 FEET; THENCE NORTH 89°19'18" WEST, 150.00 FEET; THENCE NORTH 00°40'42" EAST, 2.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (300 SQUARE FEET). APPROXIMATE GROUND ELEVATION IS 22.00 FEET WITH THE BOTTOM OF BALCONY ELEVATION BEING APPROXIMATELY 29.00 FEET AND THE TOP OF

BALCONY ELEVATION BEING APPROXIMATELY 67.00 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

SUBSURFACE RIGHTS

B-1

A PART OF LOT 'C', CENTRAL DES MOINES INDUSTRIAL PARK, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 41, GRAY'S STATION PLAT 5, AN OFFICIAL PLAT; THENCE SOUTH $81^{\circ}10'49''$ WEST ALONG THE SOUTHERLY LINE OF SAID LOT 'C', 30.41 FEET TO THE POINT OF BEGINNING; THENCE SOUTH $81^{\circ}10'49''$ WEST ALONG SAID SOUTHERLY LINE, 20.00 FEET; THENCE NORTH $08^{\circ}49'11''$ WEST, 0.50 FEET; THENCE NORTH $81^{\circ}10'49''$ EAST, 20.00 FEET; THENCE SOUTH $08^{\circ}49'11''$ EAST, 0.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 10 SQUARE FEET.

B-2

A PART OF STREET LOT 'A', GRAY'S STATION PLAT 5, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID STREET LOT 'A'; THENCE SOUTH $06^{\circ}58'06''$ EAST ALONG THE EASTERLY LINE OF SAID STREET LOT 'A', 17.52 FEET; THENCE SOUTHERLY ALONG SAID EASTERLY LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 856.39 FEET, WHOSE ARC LENGTH IS 81.96 FEET AND WHOSE CHORD BEARS SOUTH $04^{\circ}05'21''$ EAST, 81.93 FEET TO THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID EASTERLY LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 856.39 FEET, WHOSE ARC LENGTH IS 18.22 FEET AND WHOSE CHORD BEARS SOUTH $00^{\circ}44'17''$ EAST, 18.22 FEET; THENCE SOUTH $00^{\circ}08'11''$ EAST ALONG SAID EASTERLY LINE, 105.80 FEET; THENCE SOUTH $89^{\circ}51'49''$ WEST, 1.00 FEET; THENCE NORTH $00^{\circ}08'11''$ WEST, 105.80 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 857.39 FEET, WHOSE ARC LENGTH IS 18.20 FEET AND WHOSE CHORD BEARS NORTH $00^{\circ}44'17''$ WEST, 18.19 FEET; THENCE NORTH $88^{\circ}39'09''$ EAST, 1.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 124 SQUARE FEET.

B-3

A PART OF STREET LOT 'A', GRAY'S STATION PLAT 5, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 40, SAID GRAY'S STATION PLAT 5; THENCE NORTH $00^{\circ}08'11''$ EAST ALONG THE EAST LINE OF

SAID STREET LOT 'A', 26.01 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°51'49" WEST, 1.50 FEET; THENCE NORTH 00°08'11" WEST, 8.00 FEET; THENCE NORTH 89°51'49" EAST, 1.50 FEET TO SAID EAST LINE; THENCE SOUTH 00°08'11" EAST ALONG SAID EAST LINE, 8.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 12 SQUARE FEET.

B-4

A PART OF STREET LOT 'B', GRAY'S STATION PLAT 5, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 40, SAID GRAY'S STATION PLAT 5; THENCE SOUTH 89°19'18" EAST ALONG THE NORTH LINE OF SAID STREET LOT 'B', 27.81 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°19'18" EAST ALONG SAID NORTH LINE, 15.00 FEET; THENCE SOUTH 00°40'42" WEST, 1.00 FEET; THENCE NORTH 89°19'18" WEST, 15.00 FEET; THENCE NORTH 00°40'42" EAST, 1.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 15 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: Mackenzie L. Moreno, Assistant City Attorney

Connie Boesen, Mayor

Attest: I, Laura Baumgartner, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an Ordinance (Roll Call No. 24-1374), passed by the City Council of said City at the meeting held on October 7, 2024 and signed by the Mayor on October 7, 2024 and published and provided by law in the Business Record on October 25, 2024.

Authorized by Publication Order No. 12799.

Laura Baumgartner, City Clerk