

ORDINANCE NO. 16,487

AN ORDINANCE vacating portions of East 37th Street, East 38th Street, East Jefferson Avenue and Williams Street right-of-way located in the Lower Fourmile Creek Floodplain.

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:

Section 1. That portions of East 37th Street north of Easton Boulevard, East 38th Street between East Mattern Avenue and East Jefferson Avenue, East Jefferson Avenue east of East 38th Street and Williams Street south of East Jefferson Avenue, more specifically described as follows, be and is hereby vacated.

PART OF EAST 37TH STREET BETWEEN LOT 808 AND EASTON BOULEVARD

A PART OF LOT L IN FOUR MILE, 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 SOUTHWEST CORNER OF LOT 808 IN SAID FOUR MILE, SAID CORNER ALSO BEING ON THE EAST LINE OF SAID LOT L; THENCE SOUTH ALONG SAID EAST LINE TO A LINE PROJECTED SOUTHWESTERLY FROM A LINE DESCRIBED AS GOING FROM A POINT ON THE EAST LINE OF LOT 793 IN SAID FOUR MILE THAT IS 19.11 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 793 TO A POINT ON THE WEST LINE OF SAID LOT 793 THAT IS 24.08 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 793, SAID WEST LINE OF SAID LOT 793 ALSO BEING THE EAST LINE OF SAID LOT L; THENCE SOUTHWESTERLY ALONG SAID PROJECTED LINE TO THE WEST LINE OF SAID LOT L; THENCE NORTH ALONG SAID WEST LINE TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 808; THENCE EAST ALONG SAID WESTERLY EXTENSION TO THE SOUTHWEST CORNER OF SAID LOT 808 AND TO THE POINT OF BEGINNING. SAID AREA CONTAINING APPROXIMATELY 33,112 SQUARE FEET.

AND

PART OF EAST 37TH STREET BETWEEN LOTS 808 AND 813, FOUR MILE

A PART OF LOT L IN FOUR MILE, 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 SOUTHWEST CORNER OF LOT 813 IN SAID FOUR MILE, SAID CORNER ALSO BEING ON THE EAST LINE OF SAID LOT L; THENCE SOUTH ALONG SAID EAST LINE TO THE SOUTHWEST CORNER OF LOT 808 IN SAID FOUR MILE; THENCE WEST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID

LOT 808 TO THE WEST LINE OF SAID LOT L; THENCE NORTH ALONG SAID WEST LINE TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 813; THENCE EAST ALONG THE WESTERLY EXTENSION OF SAID LOT 813 TO THE SOUTHWEST CORNER OF SAID LOT 813 AND TO THE POINT OF BEGINNING, SAID AREA CONTAINING APPROXIMATELY 10,000 SQUARE FEET.

AND

PART OF EAST 38TH STREET AND PART OF EAST JEFFERSON AVENUE

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 32, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., AND A PART OF LOTS N AND P IN ELMWOOD PARK, 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 SOUTHEAST CORNER OF LOT 423 IN SAID ELMWOOD PARK; THENCE SOUTH ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 423 TO THE SOUTH LINE OF SAID LOT N; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT N AND ALONG THE SOUTH LINE OF SAID LOT P TO THE WEST LINE OF SAID LOT P; THENCE CONTINUING EAST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT P, A DISTANCE OF 25 FEET; THENCE NORTH AND PARALLEL TO THE WEST LINE OF SAID LOT P TO THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 402 IN SAID ELMWOOD PARK; THENCE EAST ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 402 TO THE WEST LINE OF SAID LOT 402; THENCE SOUTH ALONG THE WEST LINE OF LOTS 402 AND 403 IN SAID ELMWOOD PARK TO THE NORTH LINE OF SAID LOT N; THENCE EAST ALONG THE NORTH LINE OF SAID LOT N TO THE SOUTHEAST CORNER OF SAID LOT 423 AND TO THE POINT OF BEGINNING, SAID AREA CONTAINING APPROXIMATELY 32,435 SQUARE FEET.

AND

PART OF WILLIAMS STREET

ALL THAT PART OF LOT M, AND LOTS 98 THROUGH 100 IN ELMWOOD PARK, 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 SOUTHEAST CORNER OF LOT 126 IN SAID ELMWOOD PARK, SAID CORNER BEING ON THE WEST LINE OF SAID LOT M; THENCE NORTH ALONG SAID WEST LINE TO THE NORTHEAST CORNER OF LOT 117 IN SAID ELMWOOD PARK; THENCE EAST ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 117 TO THE EAST LINE OF SAID LOT M; THENCE SOUTH ALONG SAID EAST LINE TO THE NORTHWEST CORNER OF SAID LOT 100; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 100, A DISTANCE OF 53.4 FEET; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO THE SOUTHWEST CORNER OF SAID LOT 98; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO THE SOUTHEAST CORNER OF SAID LOT 126 AND TO THE POINT OF BEGINNING, SAID AREA CONTAINING APPROXIMATELY 8,073 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: Grant Hyland, 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. 25-1141), passed by the City Council of said City at the meeting held on August 18, 2025 and signed by the Mayor on August 18, 2025 and published and provided by law in the Business Record on September 5, 2025. Authorized by Publication Order No. 13071.

Laura Baumgartner, City Clerk