

## **ORDINANCE NO. 16,494**

AN ORDINANCE vacating air and subsurface rights in portions of Murphy Street and SW 14<sup>th</sup> Street right-of-way adjoining 1310 Murphy Street, Des Moines, Iowa.

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 Murphy Street and SW 14<sup>th</sup> Street right-of-way adjoining 1310 Murphy Street, Des Moines, Iowa, more specifically described as follows, be and is hereby vacated:

### **AIR RIGHTS**

A PART OF STREET LOT 'B', GRAY'S STATION PLAT 8, 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 1, SAID GRAY'S STATION PLAT 8; THENCE SOUTH 00°08'06" WEST ALONG THE EAST LINE OF SAID STREET LOT 'B', 29.83 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°08'06" WEST ALONG SAID EAST LINE, 13.00 FEET; THENCE NORTH 89°19'18" WEST, 0.28 FEET; THENCE NORTH 00°40'42" EAST, 13.00 FEET; THENCE SOUTH 89°19'18" EAST, 0.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 3 SQUARE FEET.

APPROXIMATE GROUND ELEVATION IS 20 FEET. THE BOTTOM ELEVATION OF THE EASEMENT AREA IS 30 FEET AND THE TOP ELEVATION OF THE EASEMENT AREA IS 55 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

AND

A PART OF STREET LOT 'A', GRAY'S STATION PLAT 8 AND STREET LOT 'A', GRAY'S STATION PLAT 5, BOTH OFFICIAL PLATS IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, SAID GRAY'S STATION PLAT 8; THENCE SOUTH 89°19'18" EAST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 20.48 FEET TO THE POINT OF

BEGINNING; THENCE NORTH 00°40'42" EAST, 0.50 FEET; THENCE SOUTH 89°19'18" EAST, 251.88 FEET; THENCE SOUTH 00°40'42" WEST, 0.50 FEET TO SAID NORTH LINE OF LOT 1; THENCE NORTH 89°19'18" WEST ALONG SAID NORTH LINE, 251.88 FEET TO THE POINT OF BEGINNING AND CONTAINING 126 SQUARE FEET.

APPROXIMATE GROUND ELEVATION IS 20 FEET. THE BOTTOM ELEVATION OF THE EASEMENT AREA IS 30 FEET AND THE TOP ELEVATION OF THE EASEMENT AREA IS 55 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

### **SUBSURFACE RIGHTS**

A PART OF STREET LOT 'B', GRAY'S STATION PLAT 8, 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 1, SAID GRAY'S STATION PLAT 8; THENCE SOUTH 00°08'06" WEST ALONG THE EAST LINE OF SAID STREET LOT 'B', 28.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°08'06" WEST ALONG SAID EAST LINE, 19.17 FEET; THENCE NORTH 89°19'18" WEST, 2.19 FEET; THENCE NORTH 00°40'42" EAST, 19.17 FEET; THENCE SOUTH 89°19'18" EAST, 2.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 40 SQUARE FEET.

AND

A PART OF STREET LOT 'A', GRAY'S STATION PLAT 8 AND STREET LOT 'A', GRAY'S STATION PLAT 5, BOTH OFFICIAL PLATS IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, SAID GRAY'S STATION PLAT 8; THENCE SOUTH 89°19'18" EAST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 20.48 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°40'42" EAST, 0.83 FEET; THENCE SOUTH 89°19'18" EAST, 26.47 FEET; THENCE NORTH 00°40'42" EAST, 0.98 FEET; THENCE SOUTH 89°19'18" EAST, 26.33 FEET; THENCE SOUTH 00°40'42" WEST, 0.98 FEET; THENCE SOUTH 89°19'18" EAST, 199.08 FEET; THENCE SOUTH 00°40'42" WEST, 0.83 FEET TO SAID NORTH LINE OF LOT 1; THENCE NORTH 89°19'18" WEST ALONG SAID NORTH LINE, 251.88 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (236 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. 25-1319), passed by the City Council of said City at the meeting held on September 29, 2025 and signed by the Mayor on September 29, 2025 and published and provided by law in the Business Record on October 17, 2025. Authorized by Publication Order No. 13096.

Laura Baumgartner, City Clerk