

## **ORDINANCE NO. 16,495**

AN ORDINANCE vacating surface rights within a portion of Depot Street right-of-way adjoining 108 3<sup>rd</sup> 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 surface rights within a portion of Depot Street right-of-way adjoining 108 3<sup>rd</sup> Street, Des Moines, Iowa, more specifically described as follows, be and is hereby vacated:

A PART OF THE 19.00-FOOT-WIDE DEPOT STREET RIGHT-OF-WAY LYING SOUTH OF LOTS 5 & 8, BLOCK 25, FORT DES MOINES, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 74°29'35" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 8, A DISTANCE OF 100.63 FEET; THENCE SOUTH 15°30'25" EAST, 13.00 FEET; THENCE SOUTH 74°29'35" WEST, 24.00 FEET; THENCE NORTH 15°30'25" WEST, 4.50 FEET; THENCE SOUTH 74°29'35" WEST, 70.00 FEET; THENCE NORTH 15°30'25" WEST, 7.50 FEET; THENCE SOUTH 74°29'35" WEST, 46.84 FEET; THENCE NORTH 15°30'25" WEST, 1.00 FEET TO THE SOUTHERLY LINE OF SAID LOT 5; THENCE NORTH 74°29'35" EAST ALONG SAID SOUTHERLY LINE AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DEPOT STREET, 40.21 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (954 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. 25-1322), 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. 13097.

Laura Baumgartner, City Clerk