

ORDINANCE NO. 16,505

AN ORDINANCE vacating CB & Q Street right-of-way between SE 25th Court and SE 30th 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:

Section 1. That CB & Q Street right-of-way between SE 25th Court and SE 30th Street, more specifically described as follows, be and is hereby vacated:

ALL OF THE CB & Q STREET RIGHT OF WAY LYING BETWEEN THE SOUTHERLY EXTENSION OF THE EAST RIGHT OF WAY LINE OF SOUTHEAST 25TH COURT AND THE SOUTHERLY EXTENSION OF THE WEST RIGHT OF WAY LINE OF SOUTHEAST 30TH STREET, AND ALSO LYING NORTHEAST OF THE NORTHEAST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, SAID CB & Q STREET RIGHT OF WAY LIES WITH IN A PART OF CHESTERFIELD, AN OFFICIAL PLAT, AND IN A PART OF LARISON PLACE, AN OFFICIAL PLAT, AND IN A PART OF LOTS 8 AND 10 OF THE OFFICIAL PLAT OF SECTION 12-T78-R24 INCLUDING LOTS 1 & 2 OF MARGARET TURNER ESTATE, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 182,084 SQUARE FEET (4.18 ACRES).

Section 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.

Section 3. The City of Des Moines hereby further reserves an ingress/egress easement upon the property described above to allow the City to maintain and operate a City-owned pump station located on the adjoining property.

Section 4. The City of Des Moines hereby further reserves an easement for railroad purposes over the following described property:

A PERMANENT EASEMENT IN A PART OF VACATED CB & Q STREET RIGHT OF WAY WHICH IS IN A PART OF LOT 8 OF THE OFFICIAL PLAT OF SECTION 12-T78-R24 INCLUDING LOTS 1 & 2 OF MARGARET TURNER ESTATE, 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 5, FREDREGILL, AN OFFICIAL PLAT, SAID SOUTHEAST CORNER ALSO BEING ON THE WEST RIGHT OF WAY LINE OF SOUTHEAST 30TH STREET; THENCE SOUTH ALONG THE SOUTHERLY EXTENSION OF SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 30 FEET; THENCE NORTHWEST ALONG A STRAIGHT LINE TO A POINT ON THE SOUTH LINE OF SAID LOT 5, SAID POINT BEING 100 FEET WEST OF SAID SOUTHEAST CORNER; THENCE EAST ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING,

AND CONTAINING APPROXIMATELY 1,500 SQUARE FEET.

This easement is for the sole benefit of the railroad, including its heirs, successors and assigns, for continued use of an existing railroad right-of-way. This easement shall remain in effect until such time that the existing railroad operations cease to exist or the railroad tracks are removed.

Section 5. 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.

Section 6. 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. 25-1425), passed by the City Council of said City at the meeting held on October 20, 2025 and signed by the Mayor on October 20, 2025 and published and provided by law in the Business Record on November 7, 2025. Authorized by Publication Order No. 13143.

Laura Baumgartner, City Clerk