

ORDINANCE NO. 16,553

AN ORDINANCE vacating subsurface and air rights in portions of East 2nd Street, East 3rd Street, and East Court Avenue right-of-way adjoining 200 East Court Avenue.

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 subsurface and air rights in portions of East 2nd Street, East 3rd Street, and East Court Avenue right-of-way adjoining 200 East Court Avenue, more specifically described as follows, be and is hereby vacated:

SUBSURFACE RIGHTS

EXHIBIT A

PART OF E COURT AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 74°57'49" EAST, 279.88 FEET ALONG THE SOUTH LINE OF SAID BLOCK H TO THE SOUTHEAST CORNER OF LOT 10 IN SAID BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE CONTINUING NORTH 74°57'49" EAST, 3.95 FEET; THENCE SOUTH 14°54'44" EAST, 4.06 FEET; THENCE SOUTH 75°05'16" WEST, 10.83 FEET; THENCE NORTH 14°54'44" WEST, 2.22 FEET; THENCE SOUTH 75°05'16" WEST, 26.89 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 26.89 FEET; THENCE SOUTH 14°54'44" EAST, 2.22 FEET; THENCE SOUTH 75°05'16" WEST,

10.83 FEET; THENCE NORTH 14°54'44" WEST, 3.44 FEET; THENCE NORTH 74°57'49" EAST, 3.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 773 SQUARE FEET.

AND

PART OF E 2ND STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 14°53'33" EAST, 132.09 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 74°57'49"W, 3.95 FEET; THENCE NORTH 14°54'44" WEST, 7.40 FEET; THENCE NORTH 75°05'16" EAST, 2.05 FEET; THENCE NORTH 14°54'44" WEST, 46.80 FEET; THENCE SOUTH 75°05'16" WEST, 2.63 FEET; THENCE NORTH 14°54'44" WEST, 20.33 FEET; THENCE NORTH 75°05'16" EAST, 2.63 FEET; THENCE NORTH 14°54'44" WEST, 25.52 FEET; THENCE SOUTH 75°05'16" WEST, 2.79 FEET; THENCE NORTH 14°54'44" WEST, 10.83 FEET; THENCE NORTH 75°05'16" EAST, 3.54 FEET; THENCE NORTH 14°54'44" WEST, 10.45 FEET; THENCE SOUTH 75°05'16" WEST, 2.80 FEET; THENCE NORTH 14°54'44" WEST, 10.76 FEET; THENCE NORTH 75°05'16" EAST, 3.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 366 SQUARE FEET.

AND

PART OF E 3RD STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 14°54'57" WEST, 131.55 FEET ALONG THE EAST LINE OF SAID LOT 10; THENCE NORTH 75°05'16" EAST, 3.95 FEET; THENCE SOUTH 14°54'44" EAST, 10.83 FEET; THENCE SOUTH 75°05'16" WEST, 2.80 FEET; THENCE SOUTH 14°54'44" EAST, 10.82 FEET; THENCE NORTH 75°05'16" EAST, 3.54 FEET; THENCE SOUTH 14°54'44" EAST, 10.83 FEET; THENCE SOUTH 75°05'16" WEST, 2.79 FEET; THENCE SOUTH 14°54'44" EAST, 25.15 FEET; THENCE NORTH 75°05'16" EAST, 2.63 FEET; THENCE SOUTH 14°54'44" EAST, 20.33 FEET; THENCE SOUTH 75°05'16" WEST, 2.63 FEET; THENCE SOUTH 14°54'44" EAST, 46.80 FEET; THENCE NORTH 75°05'16" EAST,

2.05 FEET; THENCE SOUTH 14°54'44" EAST, 6.77 FEET; THENCE SOUTH 74°57'49" WEST, 3.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 361 SQUARE FEET.

AIR RIGHTS

EXHIBIT B

PART OF E COURT AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 74°57'49" EAST, 279.88 FEET ALONG THE SOUTH LINE OF SAID BLOCK H TO THE SOUTHEAST CORNER OF LOT 10 IN SAID BLOCK H; THENCE CONTINUING NORTH 74°57'49" EAST, 1.06 FEET; THENCE SOUTH 14°54'44" EAST, 1.17 FEET; THENCE SOUTH 75°05'16" WEST, 282.00 FEET; THENCE NORTH 14°54'44" WEST, 0.56 FEET; THENCE NORTH 74°57'49" EAST, 1.06 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 813.50 AND 814.30 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 244 SQUARE FEET.

AND

PART OF E 2ND STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 74°57'49" WEST, 1.06 FEET; THENCE NORTH 14°54'44" WEST, 108.44 FEET; THENCE NORTH 75°05'16" EAST, 1.10 FEET TO THE WEST LINE OF SAID LOT 5; THENCE SOUTH 14°53'33" EAST, 108.44 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 813.50 AND 814.30 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 117 SQUARE FEET.

AND

PART OF E 3RD STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 14°54'57" WEST, 107.83 FEET ALONG THE EAST LINE OF SAID LOT 10; THENCE NORTH 75°05'16" EAST, 1.07 FEET; THENCE SOUTH 14°54'44" EAST, 107.83 FEET; THENCE SOUTH 74°57'49" WEST, 1.06 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 813.50 AND 814.30 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 115 SQUARE FEET.

AND

PART OF E COURT AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 74°57'49" EAST, 279.88 FEET ALONG THE SOUTH LINE OF SAID BLOCK H TO THE SOUTHEAST CORNER OF LOT 10 IN SAID BLOCK H; THENCE CONTINUING NORTH 74°57'49" EAST, 2.89 FEET; THENCE SOUTH 14°54'44" EAST, 3.01 FEET; THENCE SOUTH 75°05'16" WEST, 285.67 FEET; THENCE NORTH 14°54'44" WEST, 2.39 FEET; THENCE NORTH 74°57'49" EAST, 2.89 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 834.80 AND 835.65 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 770 SQUARE FEET.

AND

PART OF E 2ND STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 74°57'49" WEST, 2.89 FEET; THENCE NORTH 14°54'44" WEST, 108.45 FEET; THENCE NORTH 75°05'16" EAST, 2.93 FEET TO THE WEST LINE OF SAID LOT 5; THENCE SOUTH 14°53'33" EAST, 108.44 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 834.80 AND 835.65 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 316 SQUARE FEET.

AND

PART OF E 3RD STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 14°54'57" WEST, 107.83 FEET ALONG THE EAST LINE OF SAID LOT 10; THENCE NORTH 75°05'16" EAST, 2.90 FEET; THENCE SOUTH 14°54'44" EAST, 107.83 FEET; THENCE SOUTH 74°57'49" WEST, 2.89 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 834.80 AND 835.65 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 312 SQUARE FEET.

AND

PART OF E 2ND STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 14°53'33" EAST, 0.98 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 14°53'33" EAST, 26.30 FEET ALONG THE WEST LINE OF SAID LOT 5; THENCE SOUTH 75°05'16" WEST, 2.93 FEET; THENCE NORTH 14°54'44" WEST, 26.30 FEET; THENCE NORTH 75°05'16" EAST, 2.94 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 845.15 AND 846.35 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 77 SQUARE FEET.

AND

PART OF E 3RD STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 14°54'57" EAST, 1.71 FEET ALONG THE EAST LINE OF SAID LOT 10 TO THE POINT OF BEGINNING; THENCE NORTH 75°05'16" EAST, 2.90 FEET; THENCE SOUTH 14°54'44" EAST, 26.30 FEET; THENCE SOUTH 75°05'16" WEST, 2.90 FEET TO THE EAST LINE OF SAID LOT 10; THENCE NORTH 14°54'57" WEST, 26.30 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 841.70 AND 842.90 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 77 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: Emily A. Duffy, 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. 26-0580), passed by the City Council of said City at the meeting held on May 4, 2026 and signed by the Mayor on May 4, 2026 and published and provided by law in the Business Record on May 22, 2026. Authorized by Publication Order No. 13281.

Laura Baumgartner, City Clerk