

Date January 8, 2024

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF APPROXIMATELY 180 FEET OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY EXTENDING FROM CARPENTER AVENUE BETWEEN 24<sup>TH</sup> STREET AND 25<sup>TH</sup> STREET AND CONVEYANCE TO MERGE, LLC FOR \$23,200, AND ACCEPTANCE OF A PERMANENT EASEMENT FOR PUBLIC INGRESS AND EGRESS**

**WHEREAS**, on July 17 2023, by Roll Call No. 23-0991, the City Council of the City of Des Moines, Iowa voted to receive and file the communication from the Plan and Zoning Commission recommending the approval of a request from Merge, LLC for vacation of 180 lineal feet of the north/south alleyway in the vicinity of 1227 25th Street, bounded by Carpenter Avenue to the north, 24th Street to the east, and 25th Street to the west to allow the vacated area to be assemble for a mixed-use development, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense; and

**WHEREAS**, Merge, LLC, an Iowa limited liability company, has offered to the City of Des Moines (“City”) the purchase price of \$23,200 for the purchase of the vacated north-south alley right-of-way extending from Carpenter Avenue between 24<sup>th</sup> Street and 25<sup>th</sup> Street a distance of approximately 180 feet, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, and further subject to Merge, LLC conveying to the City of Des Moines a Permanent Easement for Public Ingress and Egress over and across a portion of its property extending one-way west from 24<sup>th</sup> Street, which price reflects the fair market value of the City Property as determined by the City’s Real Estate Division; and

**WHEREAS**, there is no known current or future public need for the right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said alley right-of-way.

**WHEREAS**, on December 18, 2023, by Roll Call No. 23-1761, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the alley right-of-way and the acceptance of the Permanent Easement for Public Ingress and Egress be set for hearing on January 8, 2023, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal to vacate and convey the alley right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, as follows:

**Date** January 8, 2024

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the alley right-of-way, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the north-south alley right-of-way extending south from Carpenter Avenue between 24<sup>th</sup> Street and 25<sup>th</sup> Street a distance of approximately 180 feet, legally described as follows, and said vacation is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated:

ALL THAT PORTION OF A 16 FOOT WIDE PUBLIC ALLEY RIGHT-OF-WAY ADJOINING LOTS 39, 40, 41, 58, 59 AND 60, ALL IN UNIVERSITY PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 58; THENCE S89°16'06"E, 16.13 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF CARPENTER AVENUE; THENCE S00°12'21"W, 179.54 FEET ALONG THE WEST LINE OF SAID LOTS 41, 40, AND 39; THENCE S89°24'36"W, 16.12 FEET TO THE SOUTHEAST CORNER OF SAID LOT 60; THENCE N00°12'10"E, 179.91 FEET ALONG THE EAST LINE OF SAID LOTS 60, 59 AND 58 TO THE POINT OF BEGINNING. INCLUDES 2,898 SQUARE FEET.

3. The sale of such vacated alley right-of-way, as legally described below, to the grantee and for the consideration identified below, be and is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, and further subject to Merge, LLC conveying to the City of Des Moines a Permanent Easement for Public Ingress and Egress over and across a portion of its property extending one-way west from 24<sup>th</sup> Street:

Grantee: Merge, LLC

Consideration: \$23,200

Legal Description:

ALL THAT PORTION OF A VACATED 16 FOOT WIDE PUBLIC ALLEY RIGHT-OF-WAY ADJOINING LOTS 39, 40, 41, 58, 59 AND 60, ALL IN UNIVERSITY PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 58; THENCE S89°16'06"E, 16.13 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF CARPENTER AVENUE; THENCE S00°12'21"W, 179.54 FEET ALONG THE WEST LINE OF SAID LOTS 41, 40, AND 39; THENCE S89°24'36"W, 16.12 FEET TO THE SOUTHEAST CORNER OF SAID LOT 60; THENCE N00°12'10"E, 179.91 FEET ALONG THE EAST LINE OF SAID LOTS 60, 59 AND 58 TO THE POINT OF BEGINNING. INCLUDES 2,898 SQUARE FEET.

4. That the Permanent Easement for Public Ingress and Egress from Merge, LLC to the City of Des Moines, Iowa, legally described as follows, be and is hereby approved and accepted:

**Date** January 8, 2024

THAT PART OF LOT 39 AND LOT 40, AND ALSO THAT PART OF THE 16 FOOT WIDE VACATED ALLEY, ADJACENT TO SAID LOTS, ALL IN UNIVERSITY PLACE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH 40 FEET OF SAID LOT 40; THENCE S00°10'23"W, 30.92 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF 24TH STREET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°10'23"W, 15.00 FEET ALONG THE SAID WEST RIGHT-OF-WAY LINE OF 24TH STREET; THENCE N89°51'07"W, 128.29 FEET; THENCE S00°12'10"W, 55.50 FEET; THENCE S89°24'36"W, 15.00 FEET TO THE SOUTHEAST CORNER OF LOT 60 OF SAID UNIVERSITY PLACE; THENCE N00°12'10"E, 70.70 FEET ALONG THE WEST LINE OF SAID VACATED ALLEY; THENCE S89°51'07"E, 143.28 FEET TO THE POINT OF BEGINNING. INCLUDES 2,983 SQUARE FEET

5. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
6. The City Clerk is authorized and directed to attest and certify that the within and foregoing Permanent Easement for Public Ingress and Egress was duly approved and accepted by the City Council of said City of Des Moines by Resolution.
7. Upon proof of payment of the consideration, plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim Deed and the Permanent Easement for Public Ingress and Egress together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
8. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed and the Permanent Easement for Public Ingress and Egress, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
9. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantee.
10. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

**Date** January 8, 2024

Moved by \_\_\_\_\_ to adopt. Second by \_\_\_\_\_

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno  
Mackenzie L. Moreno, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

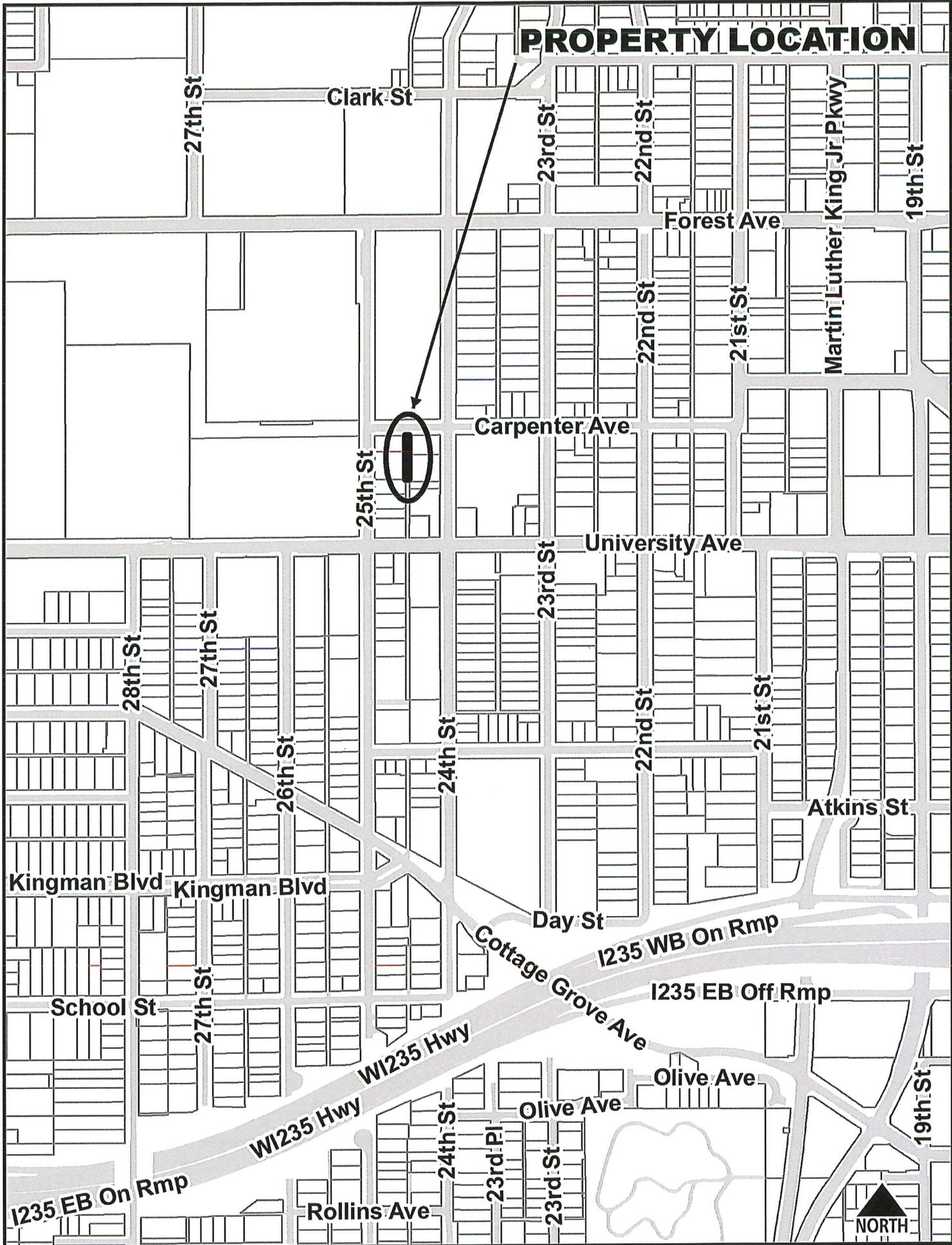
**CERTIFICATE**

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Laura Baumgartner, City Clerk

# PROPERTY LOCATION



Date January 8, 2024

Agenda Item 31

Roll Call # \_\_\_\_\_

July 11, 2023

Communication from the City Plan and Zoning Commission advising that at their July 6, 2023 meeting, the following action was taken regarding a request from Merge, LLC (owner), represented by Brent Dahlstrom (officer), for vacation of 180 lineal feet of the north/south alleyway located in the vicinity of 1227 25<sup>th</sup> Street, and bounded by Carpenter Avenue to the north, 24<sup>th</sup> Street to the east, and 25<sup>th</sup> Street to the west, to allow the vacated area to be assembled for a mixed-use development.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					X
Leah Rudolphi	X				
Carol Maher	X				
Abby Chungath					X
Kayla Berkson	X				
Chris Draper					X
Todd Garner	X				
Johnny Alcivar	X				
Justyn Lewis	X				
Carolyn Jenison	X				
William Page	X				
Andrew Lorentzen	X				
Emily Webb	X				
Katie Gillette	X				
Rick Trower	X				

**APPROVAL** of the requested vacation, subject to the following:

1. Reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Provision of a public access easement from either 24<sup>th</sup> or 25<sup>th</sup> Street right-of-way.

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation, subject to the following:

1. Reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Provision of a public access easement from either 24<sup>th</sup> or 25<sup>th</sup> Street right-of-way.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing a large mixed use project assembling several parcels including the subject alley. The existing building adjacent to the alley would be demolished to allow for redevelopment.
2. **Size of Site:** The requested surface rights-of-way consists of approximately 2,973.5 square feet of area (approximately 181 feet by 15.5 feet).
3. **Existing Zoning (site):** "MX2" Mixed Use District.
4. **Existing Land Use (site):** The subject area consists of public alley right-of-way.
5. **Adjacent Land Use and Zoning:**
  - North** – "P2", Uses include a Drake University building.
  - East** – "PUD", Uses are multiple-household residential housing for Drake University.
  - South** – "MX2" and "PUD"; Uses are a bank, a surface parking lot, and a mixed use building with office and residential uses.
  - West** – "P2"; Uses are Drake University campus buildings.
6. **General Neighborhood/Area Land Uses:** The subject portion of alley right-of-way is located on the south side of Carpenter Avenue between 24<sup>th</sup> Street and 25<sup>th</sup> Street. It is within the Drake campus surrounded by public and institutional uses as well as other complementary mix of uses.
7. **Applicable Recognized Neighborhood(s):** The subject right-of-way is within the Drake Neighborhood. The neighborhood associations were notified of the public hearing by email of the Preliminary Agenda on June 16, 2023, and by email of the Final Agenda on June 30, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on June 26, 2023 (10 days prior to the public hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the request right-of-way. All agendas and notices are sent to the primary contact person designated to the City of Des Moines Neighborhood Services Department by the recognized neighborhood association. The Drake Neighborhood Association emails and mailings were sent to Courtney Ackerson, 979 26<sup>th</sup> Street, Des Moines, IA 50311.
8. **Relevant Zoning History:** N/A.

9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Neighborhood Mixed Use.

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** While no utilities have been identified within the requested right-of-way, easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. **Traffic/Access:** The requested vacation would not negatively impact access to the surrounding public and private properties or existing traffic patterns. A one-way public access easement has been proposed from 24<sup>th</sup> Street to prevent any dead-end right-of-ways as a result of the proposed vacation.

## SUMMARY OF DISCUSSION

Johnny Alcivar asked if any member of the public or commission desired to speak on the item. No one requested to speak.

## COMMISSION ACTION:

Todd Garner made a motion for approval of the requested vacation, subject to the following:

1. Reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Provision of a public access easement from either 24<sup>th</sup> or 25<sup>th</sup> Street right-of-way.

Motion passed: 12-0

Respectfully submitted,

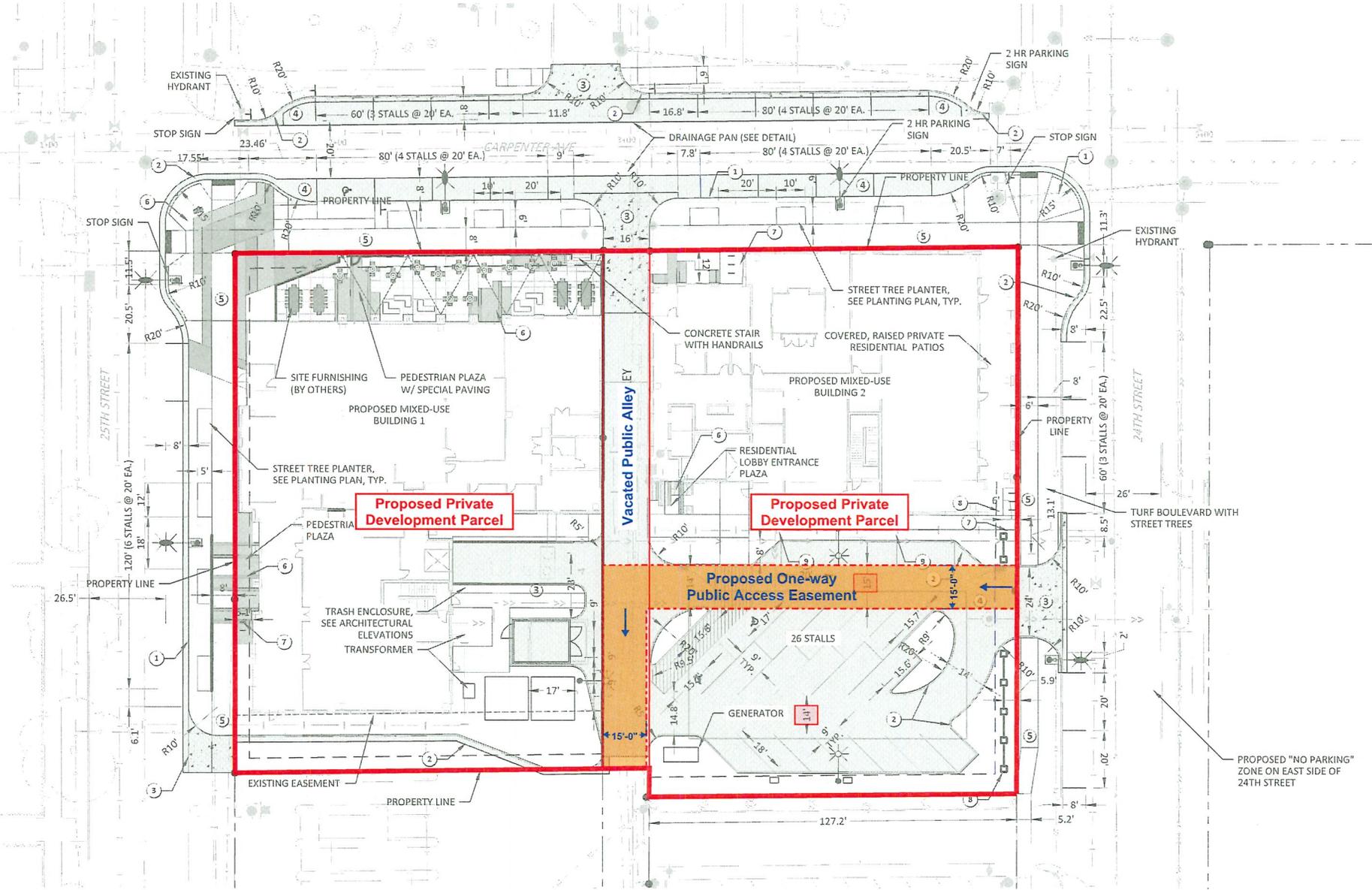


Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh



1 inch = 97 feet



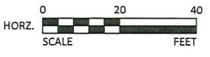
**Proposed Private Development Parcel**

**Proposed Private Development Parcel**

**Proposed One-way Public Access Easement**

**Vacated Public Alley**

**Proposed One-way Public Access Easement**  
Dogtown Neighborhood Mixed-Use Development  
June 5, 2023



PROPOSED "NO PARKING" ZONE ON EAST SIDE OF 24TH STREET

**ALTA/NSPS LAND TITLE SURVEY**  
**SITE NAME: DRAKE UNIVERSITY**  
**DES MOINES, IOWA**  
**TITLE COMMITMENT NO. NCS-1092185-MKE**



**VICINITY MAP**



**LEGAL DESCRIPTION**

The following were provided in First American Title Insurance Company Commitment Number NCS-1092185-MKE, Effective Date of November 15, 2021, at 8:00 a.m., Schedule A.

Real property in the City of Des Moines, County of Polk, State of Iowa, described as follows:  
 THE NORTH 10 FEET OF LOT 38 AND ALL OF LOTS 39, 40, 41, 58, AND 59 IN UNIVERSITY PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

**SURVEYOR'S CERTIFICATION**

To: 1) Merge, LLC, Iowa Limited Liability Company; 2) Drake University, an Iowa Non-Profit Corporation; 3) First American Title Insurance Company;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6a, 7a, 8, 9, 11a, 11b, 14, 16, 17, and 18, Table A thereof. I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Iowa.

The field work was completed on December 17, 2021.  
 Date of Plat or Map: February 25, 2022.

By: Luke D. Ahrens  
 Luke.Ahrens@bolton-mek.com  
 www.bolton-mek.com  
 Registration No. 24413  
 Date Signed:

Note: This certification is made to the parties listed above as a professional opinion based on the knowledge information and belief of the surveyor as of the date of issuance. Over time, survey and title conditions may change from those shown on this survey or in the title commitment. The above parties are advised that updated title documentation and surveys will be required to confirm conditions affecting the subject property after date of issuance of this survey.

INDEX LEGEND	
LOCATION:	THE NORTH 10 FEET OF LOT 38 AND ALL OF LOTS 39, 40, 41, 58, AND 59 IN UNIVERSITY PLACE, DES MOINES, POLK COUNTY, IOWA
REVISION:	NONE
PROPERTY:	DRAKE UNIVERSITY
SURVEYOR:	LUKE D. AHRENS, P.L.S. #24413
SURVEYOR COMPANY:	BOLTON & MENK, INC.
RETURNED:	LUKE D. AHRENS, BOLTON & MENK, INC. 1519 BALTIMORE DRIVE AMES, IOWA 50010

I hereby certify that this land surveying document was prepared by me and the related field work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa

**LUKE D. AHRENS**  
 REG. NO. 24413 DATE 12/13/2023  
 MY LICENSE RENEWALS DATE IS 12/13/2023  
 PAGES OR SHEETS COVERED BY THIS SEAL: ALL SHEETS

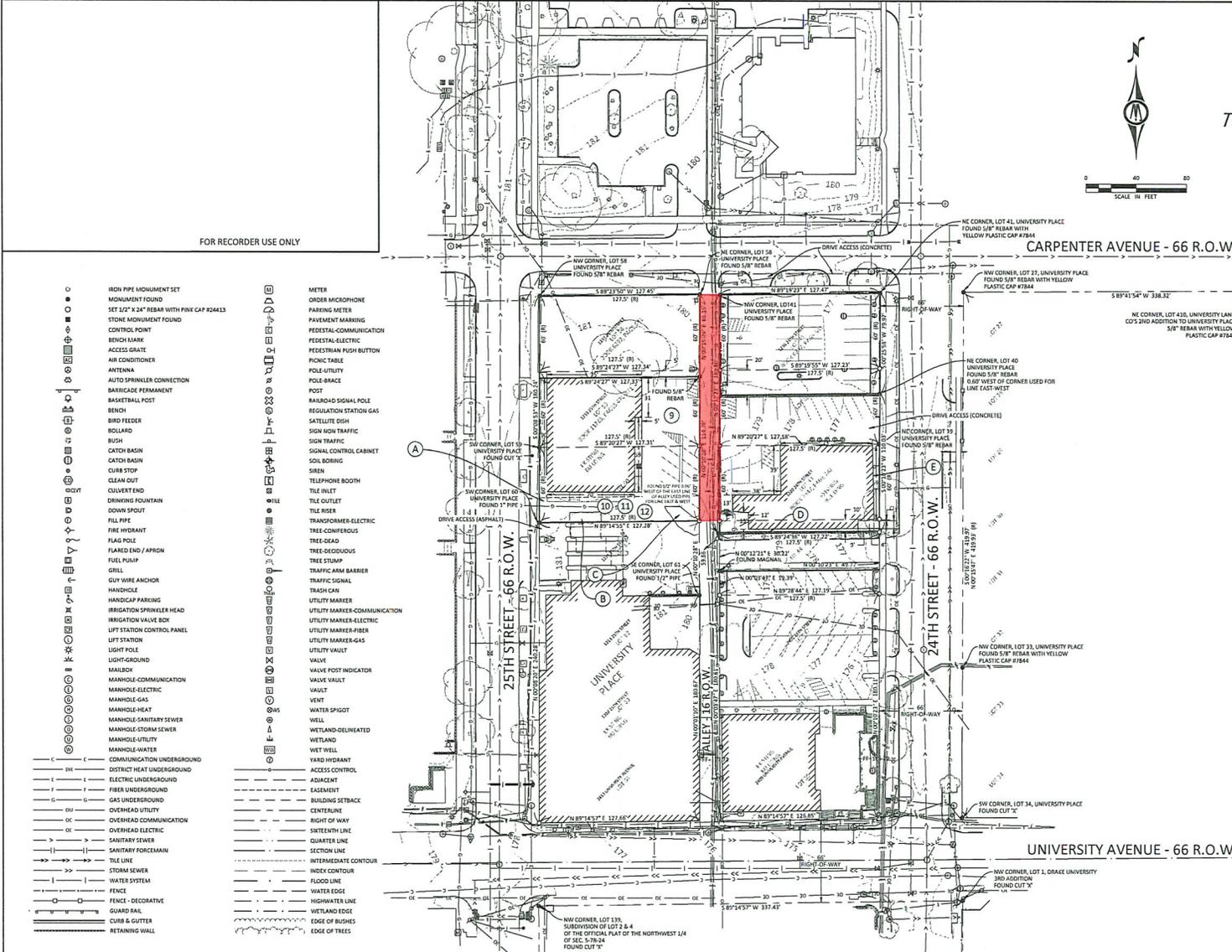
**SHEET**  
1 of 2

**ALTA/NSPS LAND TITLE SURVEY**  
 2401, 2409, & 2413 UNIVERSITY AVENUE, DES MOINES, IA 50311

**BOLTON & MENK**  
 1519 BALTIMORE DRIVE  
 AMES, IOWA 50010  
 (515) 233-4300

FOR: MERGE, LLC

THE NORTH 10 FEET OF LOT 38 AND ALL OF LOTS 39, 40, 41, 58, AND 59 IN UNIVERSITY PLACE



FOR RECORDER USE ONLY

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>○ IRON PIPE MONUMENT SET</li> <li>○ MONUMENT FOUND</li> <li>○ SET 2" X 2" REBAR WITH PINK CAP #24413</li> <li>○ STONE MONUMENT FOUND</li> <li>○ CONTROL POINT</li> <li>○ BENCH MARK</li> <li>○ ACCESS GRATE</li> <li>○ AIR CONDITIONER</li> <li>○ ANTENNA</li> <li>○ AUTO SPRINKLER CONNECTION</li> <li>○ BARRICADE PERMANENT</li> <li>○ BASKETBALL POST</li> <li>○ BENCH</li> <li>○ BIRD FEEDER</li> <li>○ BOLLARD</li> <li>○ BUSH</li> <li>○ CATCH BASIN</li> <li>○ CATCH BASIN</li> <li>○ CURB STOP</li> <li>○ CLEAN GUT</li> <li>○ CULVERT END</li> <li>○ DRINKING FOUNTAIN</li> <li>○ DOWN SPOUT</li> <li>○ FILL PIPE</li> <li>○ FIRE HYDRANT</li> <li>○ FLAG POLE</li> <li>○ FLARED END / APRON</li> <li>○ FUEL PUMP</li> <li>○ GRILL</li> <li>○ GUY WIRE ANCHOR</li> <li>○ HANDICAP PARKING</li> <li>○ IRRIGATION SPRINKLER HEAD</li> <li>○ IRRIGATION VALVE BOX</li> <li>○ LIFT STATION CONTROL PANEL</li> <li>○ LIFT STATION</li> <li>○ LIGHT POLE</li> <li>○ LIGHT-GROUND</li> <li>○ MAILBOX</li> <li>○ MANHOLE-COMMUNICATION</li> <li>○ MANHOLE-ELECTRIC</li> <li>○ MANHOLE-GAS</li> <li>○ MANHOLE-HEAT</li> <li>○ MANHOLE-SANITARY SEWER</li> <li>○ MANHOLE-UTILITY</li> <li>○ MANHOLE-WATER</li> <li>○ COMMUNICATION UNDERGROUND</li> <li>○ DISTRICT HEAT UNDERGROUND</li> <li>○ ELECTRIC UNDERGROUND</li> <li>○ FIBER UNDERGROUND</li> <li>○ GAS UNDERGROUND</li> <li>○ OVERHEAD UTILITY</li> <li>○ OVERHEAD COMMUNICATION</li> <li>○ OVERHEAD ELECTRIC</li> <li>○ SANITARY SEWER</li> <li>○ SANITARY FORCEMAIN</li> <li>○ TILE LINE</li> <li>○ STORM SEWER</li> <li>○ WATER SYSTEM</li> <li>○ FENCE</li> <li>○ FENCE - DECORATIVE</li> <li>○ GUARDRAIL</li> <li>○ CURB &amp; GUTTER</li> <li>○ RETAINING WALL</li> </ul> | <ul style="list-style-type: none"> <li>○ METER</li> <li>○ ORDER MICROPHONE</li> <li>○ PAVEMENT MARKING</li> <li>○ PEDESTAL-COMMUNICATION</li> <li>○ PEDESTAL-ELECTRIC</li> <li>○ PEDESTRIAN PUSH BUTTON</li> <li>○ PICNIC TABLE</li> <li>○ POLE-UTILITY</li> <li>○ POLE-BRACE</li> <li>○ POST</li> <li>○ BARRICADE SIGNAL POLE</li> <li>○ REGULATION STATION GAS</li> <li>○ SATELLITE DISH</li> <li>○ SIGN ROAD TRAFFIC</li> <li>○ SIGN TRAFFIC</li> <li>○ SIGNAL CONTROL CABINET</li> <li>○ SOIL BORING</li> <li>○ SCREEN</li> <li>○ TELEPHONE BOOTH</li> <li>○ TILE INLET</li> <li>○ TILE OUTLET</li> <li>○ TILE ROOF</li> <li>○ TRANSFORMER-ELECTRIC</li> <li>○ TREE-CONIFEROUS</li> <li>○ TREE-DECAD</li> <li>○ TREE-DECIDUOUS</li> <li>○ TREE STUMP</li> <li>○ TRAFFIC ARM BARRIER</li> <li>○ TRAFFIC SIGNAL</li> <li>○ TRASH CAN</li> <li>○ UTILITY MARKER</li> <li>○ UTILITY MARKER-COMMUNICATION</li> <li>○ UTILITY MARKER-ELECTRIC</li> <li>○ UTILITY MARKER-FIBER</li> <li>○ UTILITY MARKER-GAS</li> <li>○ UTILITY VAULT</li> <li>○ VALVE</li> <li>○ VALVE POST INDICATOR</li> <li>○ VALVE VAULT</li> <li>○ VAULT</li> <li>○ VENT</li> <li>○ WATER SPOUT</li> <li>○ WELL</li> <li>○ WETLAND-DELINEATED</li> <li>○ WETLAND</li> <li>○ WET WELL</li> <li>○ YARD HYDRANT</li> <li>○ ACCESS CONTROL</li> <li>○ ADA COMPLIANT</li> <li>○ EGRESS</li> <li>○ BUILDING SETBACK</li> <li>○ CENTERLINE</li> <li>○ RIGHT OF WAY</li> <li>○ SIDEWALK LINE</li> <li>○ QUARTER LINE</li> <li>○ SECTION LINE</li> <li>○ INTERMEDIATE CONTOUR</li> <li>○ WOOD CONTOUR</li> <li>○ FLOOD LINE</li> <li>○ WATER EDGE</li> <li>○ HIGHWATER LINE</li> <li>○ WETLAND EDGE</li> <li>○ EDGE OF BUSHES</li> <li>○ EDGE OF TREES</li> </ul> |
|--|---|

**NOTES CORRESPONDING TO SCHEDULE B - EXCEPTIONS**

The following were provided in First American Title Insurance Company Commitment File Number NCS-1092185-MKE, Effective Date of November 15, 2021 at 8:00 a.m., Schedule B - Exceptions. The items referenced correspond to the items defined in the Title Commitment's Schedule B - Exceptions. The items referenced are followed by comments made by Bolton & Menk, Inc. addressing the item and are referenced on survey map by item number.

Items 1 through 8 & 13 through 17, Schedule B - Exceptions are not addressed on this survey and are not survey related.

**9** Terms and conditions of easements, setbacks, covenants and restrictions, as contained in Plat of University Plaza, filed June 6, 1982, in Plat Book C, Page 48. **SHOW ON MAP. THIS BURDENS THE SUBJECT PROPERTY. THIS INSTRUMENT CREATED THE SUBDIVISION THAT THE SUBJECT PROPERTY IS WITHIN.**

**10** Terms and conditions of easement contained in Warranty Deed recorded November 26, 1978 in Book 3995, Page 457 of Official Records of Polk, Iowa. **SHOW ON MAP. THIS BURDENS THE SUBJECT PROPERTY. THE OWNER OF 1221 25TH STREET BENEFITS FROM THIS EASEMENT.**

**11** Terms and conditions of easement contained in Warranty Deed recorded December 4, 1978 in Book 4869, Page 208 of Official Records of Polk, Iowa. **SHOW ON MAP. THIS BURDENS THE SUBJECT PROPERTY. THE OWNER OF 1221 25TH STREET BENEFITS FROM THIS EASEMENT.**

**12** Terms and conditions of an Unrecorded 99 year Parking Lot Lease to lease, as evidenced by Warranty Deed filed November 26, 1966, in Book 3995, Page 457, and by Warranty Deed filed December 4, 1978, in Book 4869, Page 208. **SHOW ON MAP. THIS BURDENS THE SUBJECT PROPERTY. THE OWNER OF 1221 25TH STREET BENEFITS FROM THIS EASEMENT.**

**SURVEYOR'S NOTES**

- There are no discrepancies between the boundary lines of the property as shown on this Survey Map and those in the legal description presented in the title insurance commitment used for this survey.
- Fee ownership is vested in, per above described title commitment.
- The boundary lines of the subject property are contiguous with the boundary lines of all adjoining streets, highways, rights of way and easements, public or private, as described in their most recent respective legal descriptions of record.
- Subject property boundaries that are graphically depicted on this survey map coincide with the property described in Schedule A of the title insurance commitment.
- Plats used for this survey & recorded dimensions can be found in the following:  
Book 17270, Page 143  
Unrecorded ALTA by Jerry P. Oliver #7844  
Book 17714, Page 477  
Book 9241, Page 693  
Book 12545, Page 670  
Book 10672, Page 36
- Ingress/Egress  
The subject property has constructed vehicular access to and from the 25th Street, 24th Street, and Carpenter Avenue right of way. Bolton & Menk, Inc. was not provided documentation about whether said 25th Street, 24th Street, and Carpenter Avenue right of way exists per a plat dedication, by prescriptive easement, or by fee acquisition by the controlling governing entity. This surveyor is not aware of any controlled access restrictions for the 25th Street, 24th Street, and Carpenter Avenue right of way.
- Bearing Basis  
Orientation of the bearing system used for this survey is based on the NAD 83(south) coordinate projection for Polk County, Iowa.
- Miscellaneous  
The field survey on which this map is based was performed when snow was covering all or part of the subject property. There could be improvements on the site, or encroachments onto or from the site, observable under other conditions but hidden by snow on the date of this survey.

**STATEMENT OF POSSIBLE ENCROACHMENTS**

- A** Asphalt parking lot encroaches 0.15 feet into the R.O.W.
- B** Concrete curb encroaches 0.10 feet onto subject property.
- C** Concrete path is on both sides of the property line.
- D** Retaining wall encroaches 0.50 feet onto subject property. No indication of ownership of the wall.
- E** City sidewalk encroaches up to 0.50 feet onto subject property.
- F** No easements were found for any utility lines or structures across the subject property. -This item is not specifically shown on the map, due to the number of utility lines and structures on it.

**TABLE A ITEMS**

**Item 1 - Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the surveyed property, unless already marked or referenced by existing monuments or witnesses in close proximity to the corner.**

- As shown on this survey.

**Item 2 - Address(es) of the surveyed property if disclosed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork.**

- The address assigned to subject property by the City of Des Moines is:  
- 1237 25th Street, Des Moines, IA, 50311  
- 1236 24th Street, Des Moines, IA, 50311  
- 1233 25th Street, Des Moines, IA, 50311  
- 1220 24th Street, Des Moines, IA, 50311.

**Item 3 - Flood zone classification (with proper annotation based on Federal Flood Insurance Rate Maps or the state or local equivalent) depicted by scaled map location and graphic plotting only.**

- Subject property lies in Zone X of the Flood Insurance Rate Map, Panel No. 1915C0335F, dated 2/1/2019 and IS NOT in a Special Flood Hazard Area. Zone X is defined as AREA OF MINIMAL FLOOD HAZARD. Field surveying was not performed to determine this zone. An elevation certificate may be needed to verify this determination or apply for an amendment from the Federal Emergency Management Agency.

**Item 4 - Gross land area (and other areas if specified by the client).**

- Subject property, as presented in the title insurance commitment, contains a total of 1,0810 acres of land:  
- 1237 25th Street, Des Moines, IA, 50311 containing 0.1905 acres / 8,296.24 sq. ft.  
- 1236 24th Street, Des Moines, IA, 50311 containing 0.2334 acres / 10,167.15 sq. ft.  
- 1233 25th Street, Des Moines, IA, 50311 containing 0.3559 acres / 14,630.38 sq. ft.  
- 1220 24th Street, Des Moines, IA, 50311 containing 0.3212 acres / 13,992.83 sq. ft.

**Item 5 - Vertical relief with the source of information (e.g., ground survey, aerial map), contour interval, datum, with originating benchmark, when appropriate.**

- As shown on this survey.

**Item 6 (a) - If the current zoning classification, setback requirements, the height and floor space area restrictions, and parking requirements specific to the surveyed property are set forth in a zoning report or letter provided to the surveyor by the client or the client's designated representative, list the above items on the plat or map and identify the date and source of the report or letter.**

- No zoning report of letter was provided to the surveyor.

**Item 6 (b) - If the zoning setback requirements specific to the surveyed property are set forth in a zoning report or letter provided to the surveyor by the client or the client's designated representative, and if these requirements do not require an interpretation by the surveyor, graphically depict those requirements on the plat or map and identify the date and source of the report or letter.**

- No zoning report of letter was provided to the surveyor.

**Item 7 (a) - Exterior dimensions of all buildings at ground level.**

- As shown on this survey.

**Item 8 - Substantial features observed in the process of conducting the fieldwork (in addition to the improvements and features required pursuant to Section 5 above) (e.g., parking lots, billboards, signs, swimming pools, landscaped areas, substantial areas of rebase).**

- As shown on this survey.

**Item 9 - Number and type (e.g., disabled, motorcycle, regular and other marked specialized types) of clearly identifiable parking spaces on surface parking areas, lots and in parking structures. Striping of clearly identifiable parking spaces on surface parking areas and lots.**

- Subject property has 60 striped parking stalls, of which 1 is designated by signs as disabled stalls and 0 are designated as motorcycle stalls. There are an additional 5 spaces which have cross-striping designating them as either walkways or cart storage, which could be used for parking.

**Item 11 - Evidence of underground utilities on or serving the surveyed property (in addition to the observed evidence of utilities referred pursuant to Section 5.E.v.) as determined by:**

(a) plans and/or reports provided by client (with reference as to the sources of information)

(b) markings coordinated by the surveyor pursuant to a private utility locate request

Note to the client, insurer, and lender - With regard to Table A, Item 11, information from the sources checked above will be combined with observed evidence of utilities pursuant to Section 5.E.v to develop a view of underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response, in which case the surveyor shall note on the plat or map how this affected the surveyor's assessment of the location of the utilities. Where additional or more detailed information is required, the client is advised that excavation may be necessary.

Utilities shown hereon are observed or from visible surface marks and/or drawings provided by operators contacted by the Iowa One Call. Reference ticket numbers 55210787 & 55210775 for utility information across the surveyed premises. Excavations were not made during the process of this survey to locate underground utilities and/or structures. The location of underground utilities and/or structures may vary from locations shown hereon and additional underground utilities and/or structures may be encountered. Contact Iowa One Call for verification of utility type and field location, prior to excavation. The following list of operators was provided by Iowa One Call:

a)	CenturyLink	(515) 547-0147
b)	Des Moines, City of sewer	(515) 237-1359
c)	Drake University	(515) 271-3755
d)	Des Moines Water Works	(515) 232-6244
e)	Consolidated Communications	(507) 386-3056
f)	MidAmerican - Electric	(515) 252-6632
g)	Verizon	(972) 729-7000
h)	Mediacom	(515) 246-6668
i)	United Private Networks	(816) 425-3556
j)	Windstream Communications	(800) 289-1901
k)	MidAmerican - Gas	(515) 252-6632

**Item 14 - As specified by the client, distance to the nearest intersecting street.**

- As shown on this survey.

- Subject property is at the intersection of 25th Street and Carpenter Avenue.

**Item 16 - Evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.**

- There is no observable evidence of earth moving work, building construction or building additions within recent months.

**Item 17 - Proposed changes in street right of way lines, if such information is made available to the surveyor by the controlling jurisdiction. Evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.**

- Surveyor wasn't provided with documentation indicating there are proposed changes in street right of way, either completed or proposed. There is no observable evidence of recent street or sidewalk construction or repairs.

**Item 18 - Pursuant to Sections 5 and 6 (and applicable selected Table A items, excluding Table A Item 1), include as part of the survey any platable affidavit (i.e., apartment) easements disclosed in documents provided to or obtained by the surveyor.**

- Surveyor did not acquire and was not provided any supplemental information to the documents provided in the Title Commitment.

ALTA/NSPS LAND TITLE SURVEY 2401, 2409, & 2413 UNIVERSITY AVENUE, DES MOINES, IA 50311		THE NORTH 10 FEET OF LOT 38 AND ALL OF LOTS 36, 40, 41, 54, 59 AND 60 IN UNIVERSITY PLACE
 1330 BALTHAZORE DRIVE AMES, IOWA 50010 (515) 233-4100		
JOB NUMBER: 162.119332    FIELD BOOK:		DRAWN BY: ELS



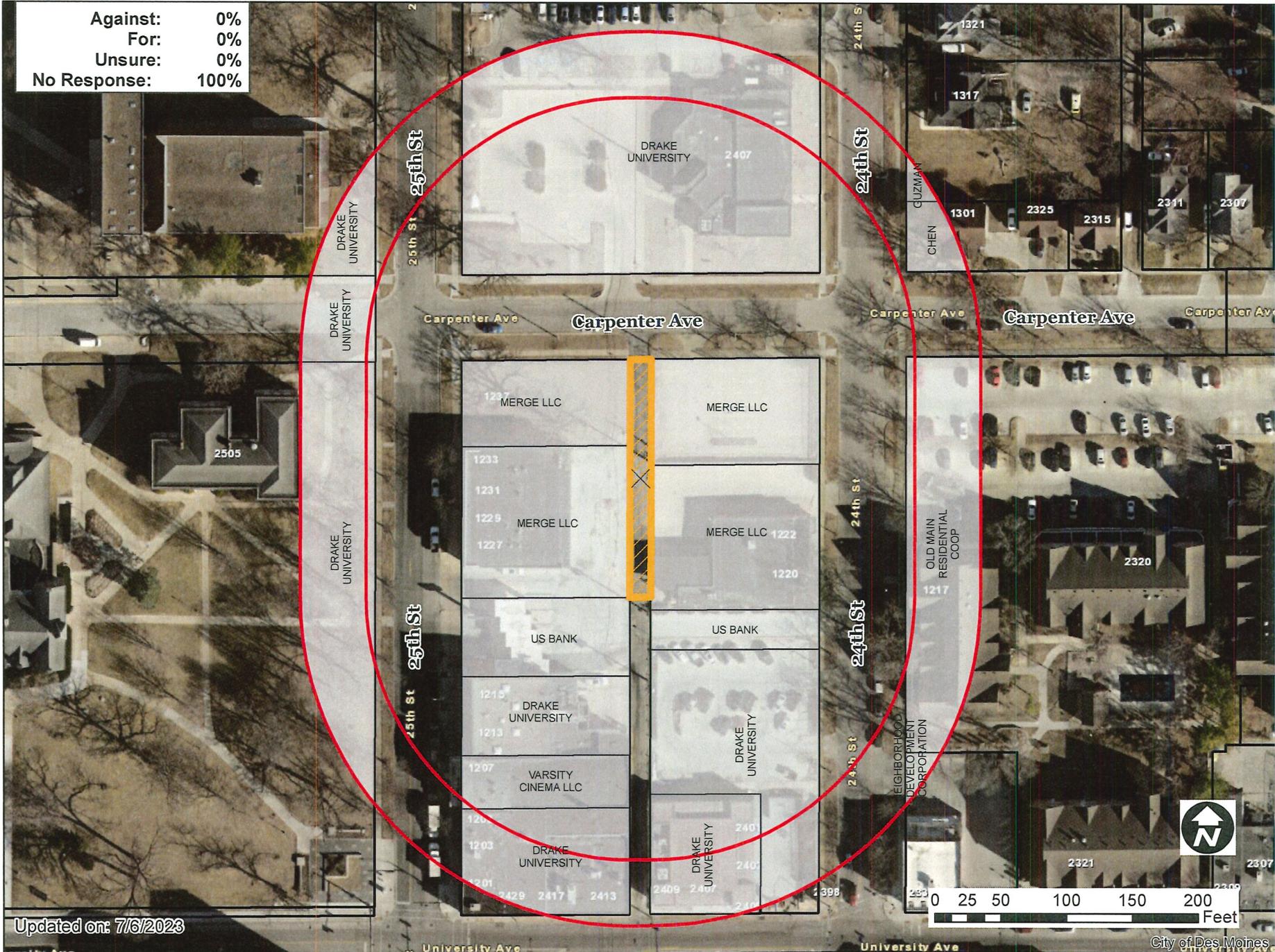
DO NOT  
ENTER





# Merge, LLC, Vicinity of 1227 25th Street

ROWV-2023-000004



Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 7/6/2023



City of Des Moines

1 inch = 97 feet

# OWNER AFFIDAVIT



The City of Des Moines requires Property Owner's Consent for each development application. A completed and signed copy of this form is required to be included with every application request. For property with more than one owner/titleholder, each owner/titleholder must sign a copy of this form. If the owner/titleholder of the property is an organization/entity, proof of signature authority on behalf of the organization/entity must be attached to this form.

I Brent Dahlstrom am the Titleholder(s)/Owner(s), or authorized representative of  
*(printed name)*

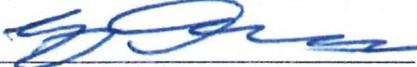
the Titleholder(s)/Owner(s), of the property located at 1233/1237 25th St & 1220/1236 24th Street  
*(address)*

in Des Moines, Iowa.

I hereby give consent to the submittal and consideration of the following application regarding my property:

- Zoning Map Amendment (Rezoning)
- Land Use Plan Amendment
- PUD Amendment
- Conditional Use Approval
- Zoning Exception
- Zoning Variance
- Site Plan
- Plat of Survey
- Preliminary Plat
- Vacation Request
- Other (write in): \_\_\_\_\_

I am authorized to submit this application on behalf of the Titleholder/Owner. I certify under penalty of perjury and according to the laws of the State of Iowa that the foregoing is true and correct.

Signature:  Date: 6/15/23

Signature: \_\_\_\_\_ Date: \_\_\_\_\_