



**Roll Call Number**

**Agenda Item Number**

48A

**Date** January 27, 2025

An Ordinance entitled, "AN ORDINANCE vacating surface rights in a portion of Mulberry Street right-of-way adjoining 204 12<sup>th</sup> Street",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

Second by \_\_\_\_\_.

FORM APPROVED:

(First of three required readings)

/s/ Chas M. Cahill  
Chas M. Cahill  
Assistant City Attorney

**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.

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

48A

Prepared by: Chas M. Cahill, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4533  
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE vacating surface rights in a portion of Mulberry Street right-of-way adjoining 204 12<sup>th</sup> 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:

Sec. 1. That a portion of Mulberry Street right-of-way adjoining 204 12<sup>th</sup> Street, more specifically described as follows, be and is hereby vacated:

A PART OF MULBERRY STREET RIGHT-OF-WAY LYING SOUTH OF LOT 8, BLOCK 29, KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 74°01'33" WEST ALONG THE SOUTH LINE OF SAID LOT 8, A DISTANCE OF 49.29 FEET; THENCE SOUTH 15°58'27" EAST, 0.42 FEET TO THE SOUTH LINE OF THE NORTH 0.42 FEET OF VACATED MULBERRY STREET RIGHT-OF-WAY TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°58'27" EAST, 6.25 FEET; THENCE SOUTH 74°01'33" WEST, 12.50 FEET; THENCE NORTH 15°58'27" WEST, 6.25 FEET TO SAID SOUTH LINE OF THE NORTH 0.42 FEET OF VACATED MULBERRY STREET RIGHT-OF-WAY; THENCE NORTH 74°01'33" EAST ALONG SAID SOUTH LINE, 12.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 78 S.F.

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:

/s/ Chas M. Cahill  
Chas M. Cahill  
Assistant City Attorney

**INDEX LEGEND**

SURVEYOR'S NAME / RETURN TO:  
 ERIC J. MILLER  
 SNYDER & ASSOCIATES, INC.  
 2727 S.W. SNYDER BLVD  
 ANKENY, IOWA 50023  
 515-964-2020  
 ERICMILLER@SNYDER-ASSOCIATES.COM  
 SERVICE PROVIDED BY:  
 SNYDER & ASSOCIATES, INC.  
 SURVEY LOCATED:  
 PT OF LAND LYING SOUTH OF LOT 8  
 KEENE POINTDEXTER'S ADDITION TO FORT DES MOINES  
 REQUESTED BY:  
 FIELD DAY DEVELOPMENT

**VACATION EXHIBIT**

**VACATION DESCRIPTION**

A PART OF MULBERRY STREET RIGHT-OF-WAY LYING SOUTH OF LOT 8, BLOCK 29, KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**DATE OF SURVEY**

JUNE 18, 2024

**OWNER**

CITY OF DES MOINES

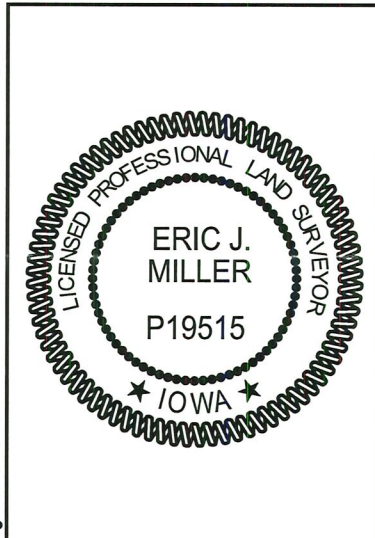
**BASIS OF BEARING**

THE SOUTH LINE OF SAID LOT 8 IS ASSUMED TO BEAR SOUTH 74°01'33" WEST FOR THE PURPOSES OF THIS SURVEY.

*EJB 12-3-24*

**LEGEND**

FEATURES	FOUND	SET
Section Corner	▲	△
1/2" Rebar with Orange Plastic Cap #19515 (Unless Otherwise Noted)	●	○
ROW Marker	■	□
ROW Rail	≡	≡
Control Point	○CP	
Bench Mark	⊙	
Platted Distance	P	
Measured Bearing & Distance	M	
Recorded As	R	
Deed Distance	D	
Calculated Distance	C	
Centerline	---	---
Section Line	---	---
1/4 Section Line	---	---
1/4 1/4 Section Line	---	---
Easement Line	---	---



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

*Eric J. Miller* 12/02/24  
 Eric J. Miller, PLS Date

License Number P19515  
 My License Renewal Date is December 31, 2024

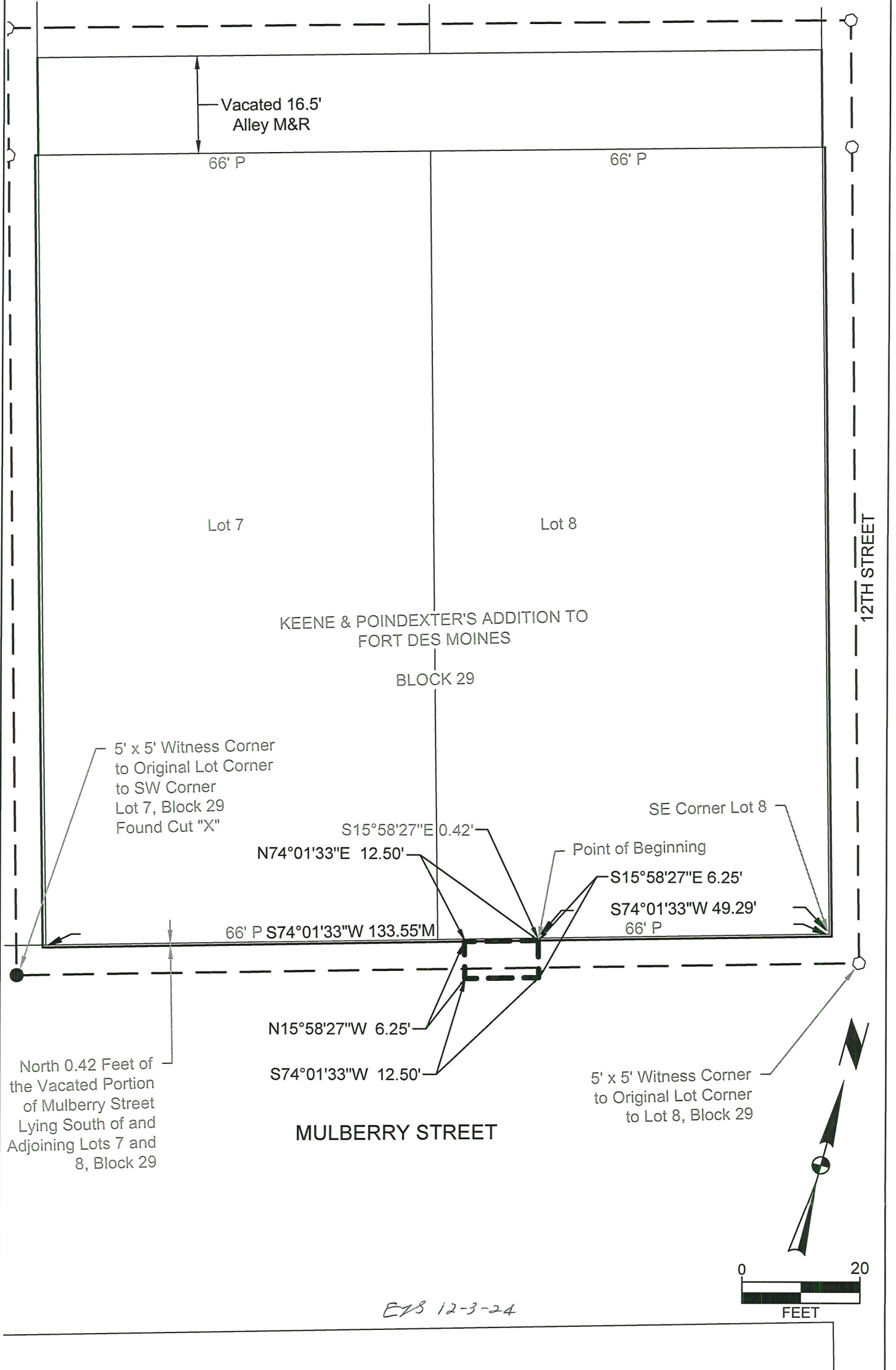
Pages or sheets covered by this seal:  
 Sheets 1 and 2 of 2

<b>204 12TH STREET</b>	SHEET 1 OF 2
<b>VACATION EXHIBIT</b>	PN: 124.0753.01A
	T-R-S:78N-24W-09
	DATE: 11/22/2024
	PM/TECH: EJM/SDB



REVISED: 12/02/2024  
 2727 S.W. SNYDER BLVD  
 ANKENY, IOWA 50023  
 515-964-2020

# VACATION EXHIBIT



**204 12TH STREET**  
**VACATION EXHIBIT**



REVISED: 12/02/2024  
 2727 S.W. SNYDER BLVD  
 ANKENY, IOWA 50023  
 515-964-2020

SHEET 2 OF 2
PN: 124.0753.01A
T-R-S:78N-24W-09
DATE: 11/20/2024
PM/TECH: EJM/SDB