

 **Roll Call Number**

\_\_\_\_\_

**Agenda Item Number**

49 A

**Date** January 27, 2025

An Ordinance entitled, "AN ORDINANCE vacating air rights within a portion of Carpenter Avenue right-of-way adjoining 1900 Carpenter Avenue",

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

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

**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.

\_\_\_\_\_ Mayor

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

49A

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 air rights within a portion of Carpenter Avenue right-of-way adjoining 1900 Carpenter 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 a portion of Carpenter Avenue right-of-way adjoining 1900 Carpenter Avenue, more specifically described as follows, be and is hereby vacated:

ALL OF THE AIR SPACE FOR THAT PART OF THE CARPENTER AVENUE RIGHT-OF-WAY LYING ADJACENT TO AND NORTH OF THE SOUTH LINE OF THE NORTH 35.00 FEET OF LOT A AND THE SOUTH LINE OF THE NORTH 10.00 FEET OF LOT 28 OF THE OFFICIAL PLAT OF LOT 21 OF THE OFFICIAL PLAT OF SECTION 33-79-24, AN OFFICIAL PLAT, 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 SOUTHWEST CORNER OF THE NORTH 10.00 FEET OF LOT 51 OF SAID OFFICIAL PLAT OF LOT 21; THENCE NORTH 89°48'28" EAST ALONG THE SOUTH LINE OF CARPENTER AVENUE RIGHT-OF-WAY, 142.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°11'32" WEST, 4.00 FEET; THENCE NORTH 89°48'28" EAST, 94.50 FEET; THENCE SOUTH 0°11'32" EAST, 4.00 FEET TO SAID SOUTH RIGHT-OF-WAY LINE; THENCE SOUTH 89°48'28" WEST ALONG SAID SOUTH RIGHT OF WAY LINE, 94.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 378 S.F. WHICH IS BELOW A PLANE ELEVATION OF 172.00 FEET CITY OF DES MOINES DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 159.00 FEET CITY OF DES MOINES DATUM. THE GROUND ELEVATION WITHIN SAID DESCRIPTION IS APPROXIMATELY 149.20 FEET CITY OF DES MOINES DATUM.

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:**

ERIN D. GRIFFIN  
 SNYDER & ASSOCIATES, INC.  
 2727 S.W. SNYDER BLVD  
 ANKENY, IOWA 50023  
 515-964-2020  
 ERINGRIFFIN@SNYDER-ASSOCIATES.COM

**SERVICE PROVIDED BY:**

SNYDER & ASSOCIATES, INC.

**SURVEY LOCATED:**

PT OF OFFICIAL PLAT OF LOT 21 OF THE  
 OFFICIAL PLAT OF SECTION 33  
 SEC. 33-79-24

**REQUESTED BY:**

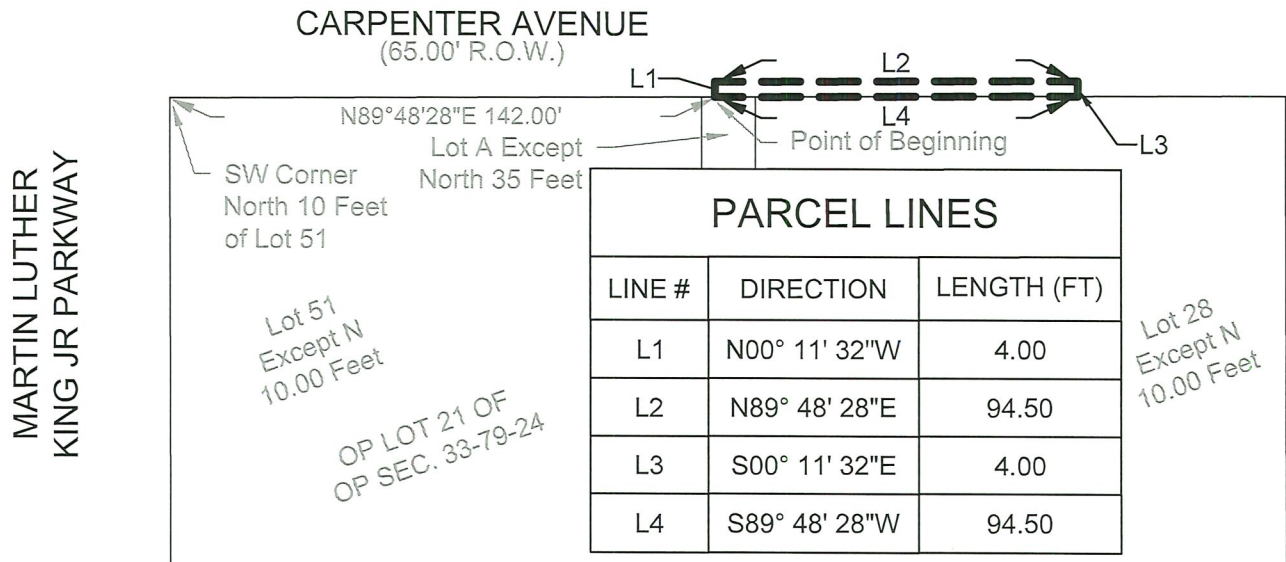
CITY OF DES MOINES

**VACATION EXHIBIT**

**VACATION DESCRIPTION:**

ALL OF THE AIR SPACE FOR THAT PART OF THE CARPENTER AVENUE RIGHT-OF-WAY LYING ADJACENT TO AND NORTH OF THE SOUTH LINE OF THE NORTH 35.00 FEET OF LOT A AND THE SOUTH LINE OF THE NORTH 10.00 FEET OF LOT 28 OF THE OFFICIAL PLAT OF LOT 21 OF THE OFFICIAL PLAT OF SECTION 33-79-24, AN OFFICIAL PLAT, 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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**LEGEND**

**FEATURES**

FEATURES	FOUND	SET
Section Corner	▲	△
1/2" Rebar with Yellow Plastic Cap #19710 (Unless Otherwise Noted)	●	○
ROW Marker	■	□
ROW Rail	≡	≡
Control Point	○	○
Bench Mark	⊙	⊙
Platted Distance	P	
Measured Bearing & Distance	M	
Recorded As	R	
Deed Distance	D	
Calculated Distance	C	
Yellow Plastic Cap	YPC	
Centerline	---	---
Section Line	---	---
1/4 Section Line	---	---
1/4 1/4 Section Line	---	---
Easement Line	---	---

**DATE OF SURVEY**

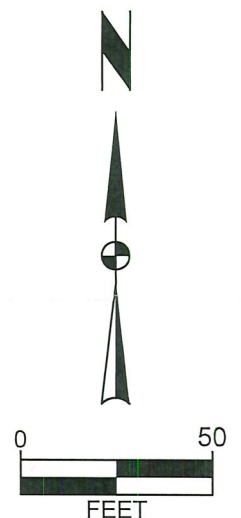
OCTOBER 29, 2024

**OWNER**

CITY OF DES MOINES

**REQUESTED BY**

CITY OF DES MOINES



*EJS 11-12-24*

**CARPENTER AVENUE RIGHT-OF-WAY**

**VACATION EXHIBIT**

SHEET 1 OF 1

PN: 123.0555.01A

T-R-S:79N-24W-33

DATE: 11/12/24

PM/TECH: EDG/SDB



2727 S.W. SNYDER BLVD  
 ANKENY, IOWA 50023  
 515-964-2020