



Roll Call Number

Agenda Item Number

48 A

Date February 24, 2025

An Ordinance entitled, "AN ORDINANCE vacating air rights in a portion of 41st Street right-of-way adjoining 4109 University 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

ORDINANCE NO. _____

AN ORDINANCE vacating air rights in a portion of 41st Street right-of-way adjoining 4109 University 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 vacating air rights in a portion of 41st Street right-of-way adjoining 4109 University Avenue, more specifically described as follows, be and is hereby vacated:

A 5.00 FOOT WIDE PORTION OF THE 41ST STREET RIGHT OF WAY EAST OF AND ADJACENT TO LOT 1, REPLAT OF E 1/3 OF ERNHURST, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE S00°06'57"E ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 38.84 FEET TO THE POINT OF BEGINNING; THENCE N89°53'03"E, A DISTANCE OF 5.00 FEET; THENCE S00°06'57"E, A DISTANCE OF 106.00 FEET; THENCE S89°53'03"W, A DISTANCE OF 5.00 FEET TO THE EAST LINE OF SAID LOT 1; THENCE N00°06'57"W ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 106.00 FEET TO THE POINT OF BEGINNING.

EASEMENT TO BE BETWEEN ELEVATION 198.0 FEET AND 212.5 FEET (CITY OF DES MOINES VERTICAL DATUM)

EASEMENT CONTAINS 530 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:

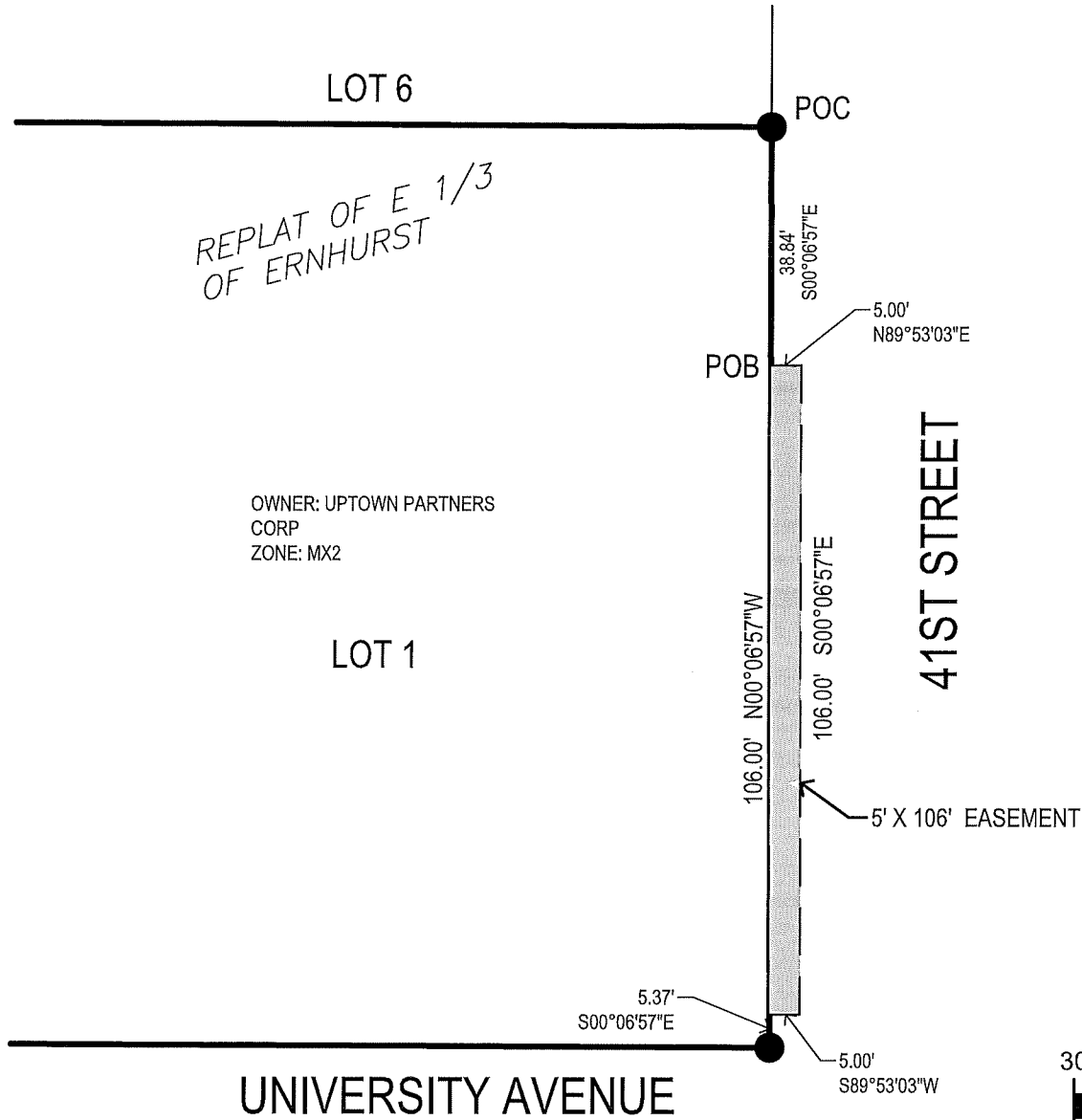
/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

VACATION EXHIBIT

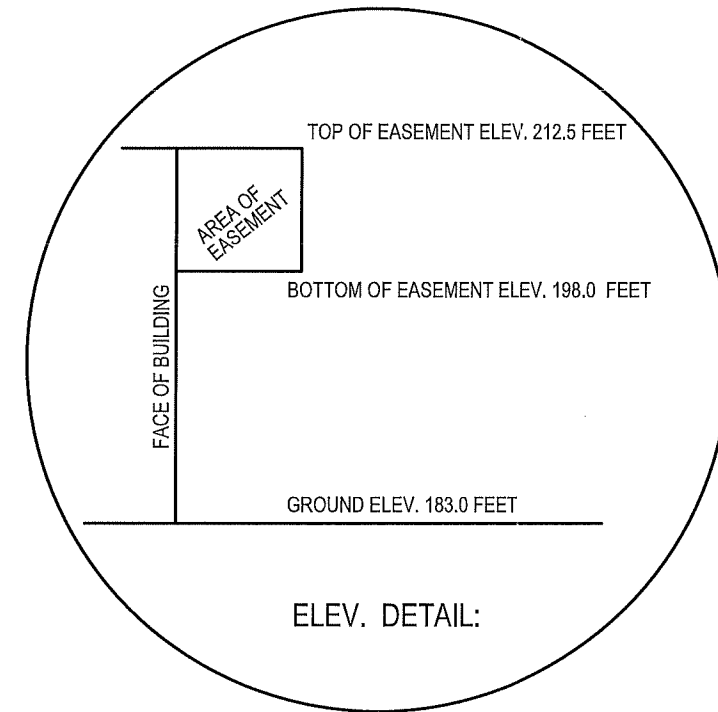
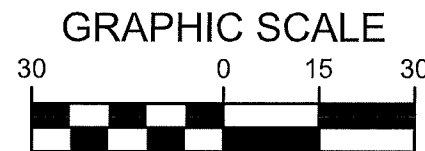
EASEMENT FOR AIR RIGHTS



EASEMENT DESCRIPTION:

A 5.00 FOOT WIDE PORTION OF THE 41ST STREET RIGHT OF WAY EAST OF AND ADJACENT TO LOT 1, REPLAT OF E 1/3 OF ERNHURST, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE S00°06'57"E ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 38.84 FEET TO THE POINT OF BEGINNING; THENCE N89°53'03"E, A DISTANCE OF 5.00 FEET; THENCE S00°06'57"E, A DISTANCE OF 106.00 FEET; THENCE S89°53'03"W, A DISTANCE OF 5.00 FEET TO THE EAST LINE OF SAID LOT 1; THENCE N00°06'57"W ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 106.00 FEET TO THE POINT OF BEGINNING.

EASEMENT TO BE BETWEEN ELEVATION 198.0 FEET AND 212.5 FEET (CITY OF DES MOINES VERTICAL DATUM)
EASEMENT CONTAINS 530 SQUARE FEET



LEGEND:

- PROPERTY CORNER
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING

EAS 1-28-25



VACATION EXHIBIT

AIR RIGHTS EASEMENT

4109 UNIVERSITY AVE.

DES MOINES, IOWA

REFERENCE NUMBER:

DRAWN BY:
LDH

PROJECT NUMBER:
240228