



## Roll Call Number

Agenda Item Number

45 A

Date April 7, 2025

An Ordinance entitled, "AN ORDINANCE vacating subsurface and surface rights in portions of Mulberry Street right-of-way adjoining 1435 Mulberry 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/ Grant Hyland

Grant Hyland

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 subsurface and surface rights in portions of Mulberry Street right-of-way adjoining 1435 Mulberry 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 surface and subsurface rights in portions of Mulberry Street right-of-way adjoining 1435 Mulberry Street, more specifically described as follows, be and is hereby vacated:

**SUBSURFACE RIGHTS**

A 3.75 FEET WIDE STRIP OF MULBERRY STREET RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING THE FOLLOWING DESCRIBED PROPERTY:

LOT FOUR (4) IN KEENE AND POINDEXTER'S OFFICIAL PLAT, AND THAT PART OF VACATED WEST 14TH STREET ADJOINING SAID LOT 4 ON THE WEST, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

LOTS SEVEN (7), EIGHT (8), NINE (9), TEN (10) AND ELEVEN (11) IN BLOCK THIRTY-NINE (39) IN J. LYON'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

ALL THAT PART OF THE VACATED 16.5 FOOT WIDE NORTH-SOUTH ALLEY THAT LIES EAST OF AND ADJOINING TO THE EAST LINE OF LOT 8; AND ALSO ALL THAT PART OF THE VACATED 16.5 FOOT WIDE NORTH-SOUTH ALLEY THAT LIES EAST OF AND ADJOINING THE EAST LINE OF LOT 10; ALL IN BLOCK 39 IN J. LYON'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA (BOTH VACATED BY ORDINANCE NO. 8066, ENACTED OCTOBER 5, 1970).

SAID STRIP OF RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 7 IN BLOCK 39 OF J. LYON'S ADDITION TO FORT DES MOINES ON THE NORTH RIGHT-OF-WAY LINE OF MULBERRY STREET; THENCE NORTH 74°(DEGREES) 09'(MINUTES) 48"(SECONDS) EAST, 47.00 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID MULBERRY STREET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°09'48" EAST, 385.00 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID MULBERRY STREET; THENCE SOUTH 15°50'12" EAST, 3.75 FEET; THENCE SOUTH 74°09'48" WEST, 385.00 FEET; THENCE NORTH 15°50'12" WEST, 3.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,444 SQUARE FEET, MORE OR LESS.

#### **SURFACE RIGHTS**

PART OF MULBERRY STREET RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOT 4 IN KEENE AND POINDEXTER OFFICIAL PLAT, AND THAT PART OF VACATED WEST 14TH STREET ADJOINING SAID LOT 4 ON THE WEST, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PART OF MULBERRY STREET RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 4 IN KEENE AND POINDEXTER OFFICIAL PLAT; THENCE SOUTH 74°(DEGREES) 09'(MINUTES) 48"(SECONDS) WEST, 37.00 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF MULBERRY STREET TO THE POINT OF BEGINNING; THENCE SOUTH 15°50'12" EAST, 2.00 FEET; THENCE SOUTH 74°09'48" WEST, 6.00 FEET; THENCE NORTH 15°50'12" WEST, 2.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MULBERRY STREET; THENCE NORTH 74°09'48" EAST, 6.00 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF MULBERRY STREET TO THE POINT OF BEGINNING. CONTAINING 12.00 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/ Grant Hyland

Grant Hyland

Assistant City Attorney