



Roll Call Number

Agenda Item Number

53A

Date June 9, 2025

An Ordinance entitled, "AN ORDINANCE vacating subsurface rights within a portion of Carpenter Avenue right-of-way adjoining 2400 Carpenter Avenue, Des Moines, Iowa",

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

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

Prepared by: Grant Hyland, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4535

Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

ORDINANCE NO. _____

AN ORDINANCE vacating subsurface rights within a portion of Carpenter Avenue right-of-way adjoining 2400 Carpenter Avenue, Des Moines, Iowa.

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 the subsurface rights within a portion of Carpenter Avenue right-of-way adjoining 2400 Carpenter Avenue, Des Moines, Iowa, more specifically described as follows, be and is hereby vacated:

A TRACT OF LAND LYING WITHIN THE CARPENTER AVENUE RIGHT-OF-WAY THAT IS ADJOINING LOT 41 OF UNIVERSITY PLACE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 41; THENCE S89°19'23"W, 63.05 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID CARPENTER AVENUE TO THE POINT OF BEGINNING, THE NEXT 4 CALLS ARE ALONG LINES PARALLEL OR PERPENDICULAR TO SAID SOUTH RIGHT-OF-WAY LINE OF CARPENTER AVENUE; THENCE N00°40'37"W, 0.50 FEET; THENCE S89°19'23"W, 33.00 FEET; THENCE S00°40'37"E, 0.50 FEET TO SAID SOUTH RIGHT-OF-WAY LINE; THENCE N89°19'23"E, 33.00 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 16.5 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

INDEX LEGEND	
LOCATION	A TRACT OF LAND LAYING WITHIN CARPENTER AVENUE AND ADJOINING LOT 41 OF UNIVERSITY PLACE, DES MOINES, POLK COUNTY, IOWA
REQUESTOR:	MERGE, LLC
PROPRIETOR:	CITY OF DES MOINES
SURVEYOR:	LUKE D. AHRENS, P.L.S. #24413
SURVEYOR COMPANY:	BOLTON & MENK, INC.
RETURN TO:	LUKE D. AHRENS, BOLTON & MENK, INC. 1519 BALTIMORE DRIVE, AMES, IA 50010 (515)-233-6100

FOR RECORDER USE ONLY

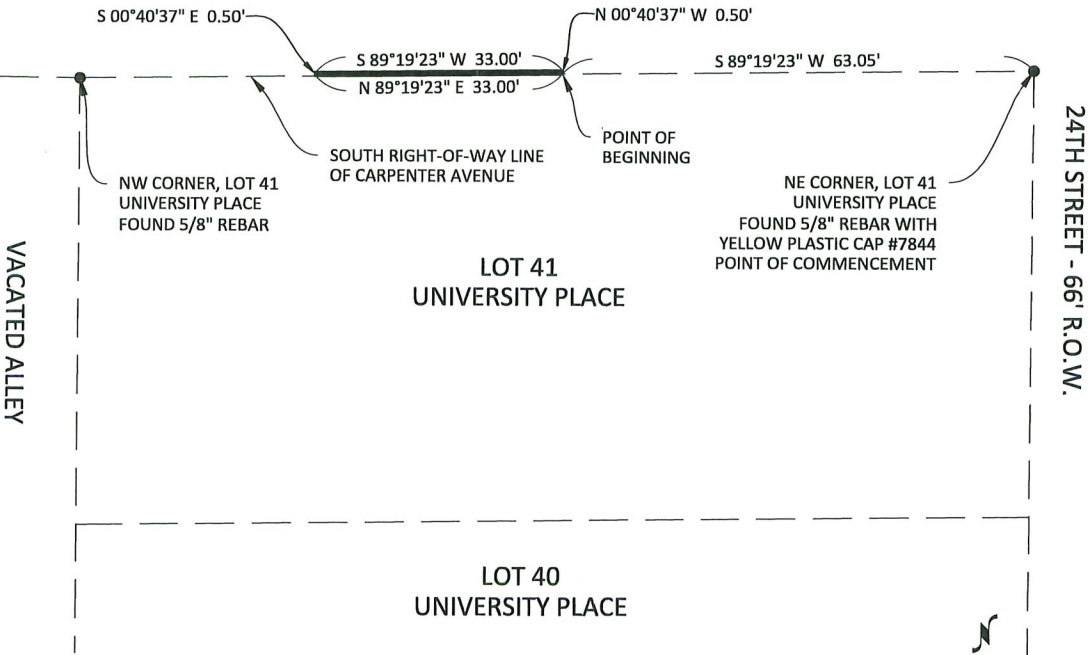
VACATION LEGAL DESCRIPTION:

A TRACT OF LAND LYING WITHIN THE CARPENTER AVENUE RIGHT-OF-WAY THAT IS ADJOINING LOT 41 OF UNIVERSITY PLACE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 41; THENCE S89°19'23"W, 63.05 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID CARPENTER AVENUE TO THE POINT OF BEGINNING, THE NEXT 4 CALLS ARE ALONG LINES PARALLEL OR PERPENDICULAR TO SAID SOUTH RIGHT-OF-WAY LINE OF CARPENTER AVENUE; THENCE N00°40'37"W, 0.50 FEET; THENCE S89°19'23"W, 33.00 FEET; THENCE S00°40'37"E, 0.50 FEET TO SAID SOUTH RIGHT-OF-WAY LINE; THENCE N89°19'23"E, 33.00 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.
SAID TRACT CONTAINS 16.5 SQUARE FEET.

PROPERTY ADDRESS:

2400 CARPENTER AVENUE SUITE 110
DES MOINES, IA 50311

CARPENTER AVENUE - 66' R.O.W.



NOTES:

1. BEARINGS AND DISTANCES SHOWN ARE IOWA STATE PLANE - NORTH ZONE, U.S. SURVEY FOOT.

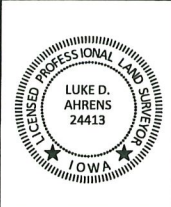
LEGEND:

- FOUND MONUMENT AS NOTED

ENS 5-B-25



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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.

LUKE D. AHRENS P.L.S.
LICENSE NUMBER 24413 DATE 2025-05-02
MY LICENSE RENEWAL DATE IS 12/31/2025
PAGES OR SHEETS COVERED BY THIS SEAL:
THIS SHEET

VACATION EXHIBIT	
UNIVERSITY PLACE - CITY OF DES MOINES, POLK COUNTY, IA	
 BOLTON & MENK	1519 BALTIMORE DRIVE AMES, IA 50010 (515) 233-6100
SHEET 1 OF 1	