



Roll Call Number

Agenda Item Number

51A

Date June 30, 2025

An Ordinance entitled, "AN ORDINANCE repealing Ordinance No. 16,388 and vacating air, subsurface, and surface rights in portions of Des Moines Street and East 6th Street right-of-way adjoining 603 East 6th Street",

presented.

Moved by _____ that this ordinance be
considered and given first vote for passage. Second by
_____.

FORM APPROVED:

(First of three required readings)

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

51A

Prepared by: Grant Hyland, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4535
Return to: City of Des Moines, City Clerk's Office, PO Box 224, Des Moines, IA 50306-0224

ORDINANCE NO. _____

AN ORDINANCE repealing Ordinance No. 16,388 and vacating air, subsurface, and surface rights in portions of Des Moines Street and East 6th Street right-of-way adjoining 603 East 6th 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 air, subsurface, and surface rights in portions of Des Moines Street and East 6th Street right-of-way adjoining 603 East 6th Street, more specifically described as follows, be and is hereby vacated:

AIR RIGHTS

AERIAL EXHIBIT 'A'

A PART OF THE DES MOINES STREET RIGHT-OF-WAY AND A PART OF THE E 6TH STREET RIGHT-OF-WAY, BOTH ADJOINING THE SOUTH HALF OF THE WEST 333.50 FEET OF BLOCK A, RIVER HILLS PLAT THREE, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTH HALF OF THE WEST 333.50 FEET; THENCE NORTH 74°43'00" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF DES MOINES STREET, 23.00 FEET; THENCE SOUTH 15°17'00" EAST, 3.00 FEET; THENCE SOUTH 74°43'00" WEST, 24.02 FEET; THENCE NORTH 14°56'16" WEST, 20.61 FEET; THENCE NORTH 75°03'44" EAST, 1.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF E 6TH STREET; THENCE SOUTH 14°56'16" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 17.61 FEET TO THE POINT OF BEGINNING AND CONTAINING 90 SQUARE FEET.

APPROXIMATE GROUND ELEVATION IS 54-55 FEET WITH THE BOTTOM OF BALCONY ELEVATION BEING APPROXIMATELY 74 FEET AND THE TOP OF BALCONY ELEVATION BEING APPROXIMATELY 144 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

AERIAL EXHIBIT 'B'

A PART OF THE DES MOINES STREET RIGHT-OF-WAY ADJOINING THE SOUTH HALF OF THE WEST 333.50 FEET OF BLOCK A, RIVER HILLS PLAT THREE, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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APPROXIMATE GROUND ELEVATION IS 61-62 FEET WITH THE BOTTOM OF BALCONY ELEVATION BEING APPROXIMATELY 74 FEET AND THE TOP OF BALCONY ELEVATION BEING APPROXIMATELY 144 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

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SUBSURFACE RIGHTS

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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:



Grant Hyland
Assistant City Attorney

51A

VACATION EXHIBIT 'A' VACATION OF AIR RIGHTS

OWNER

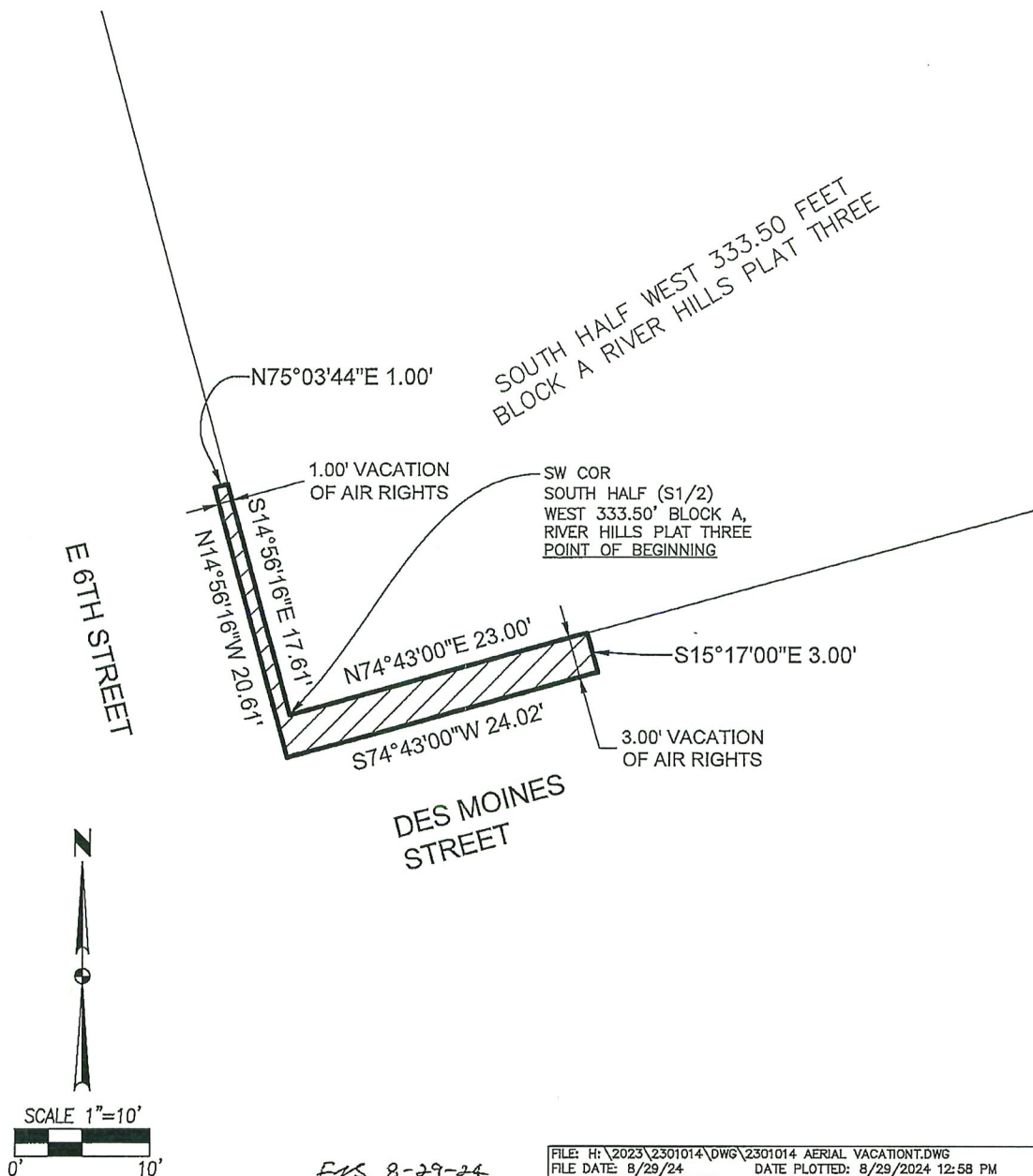
CITY OF DES MOINES

VACATION OF AIR RIGHTS DESCRIPTION

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PT. E 6TH STREET &
DES MOINES STREET R.O.W.
VACATION PLAT
DES MOINES, IOWA

BA
CIVIL DESIGN ADVANTAGE

4121 NW URBANDALE DRIVE
URBANDALE, IA 50322
PH: (515) 369-4400

BA

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VACATION EXHIBIT 'B'

VACATION OF AIR RIGHTS

OWNER

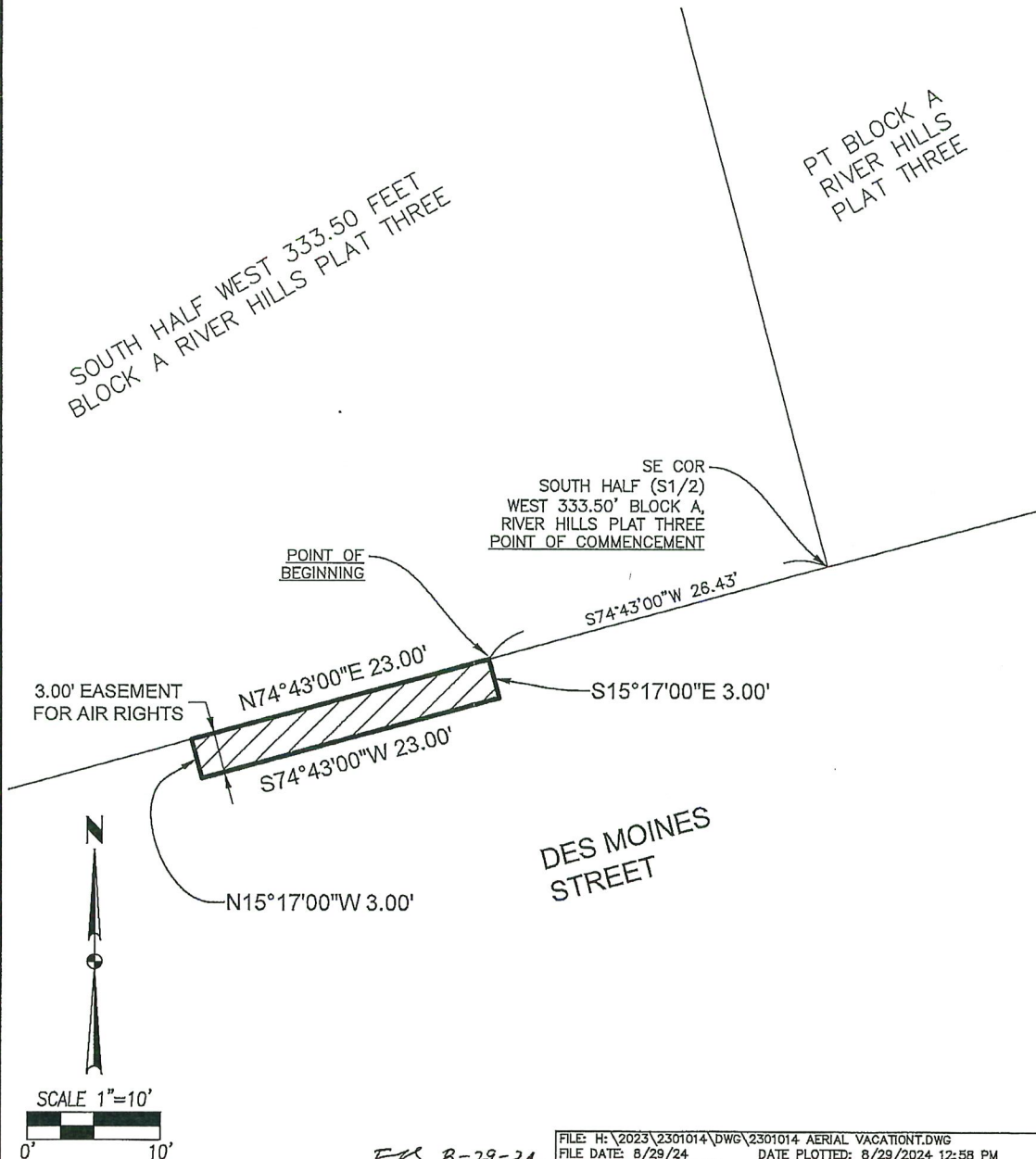
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VACATION EXHIBIT 'C' VACATION OF AIR RIGHTS

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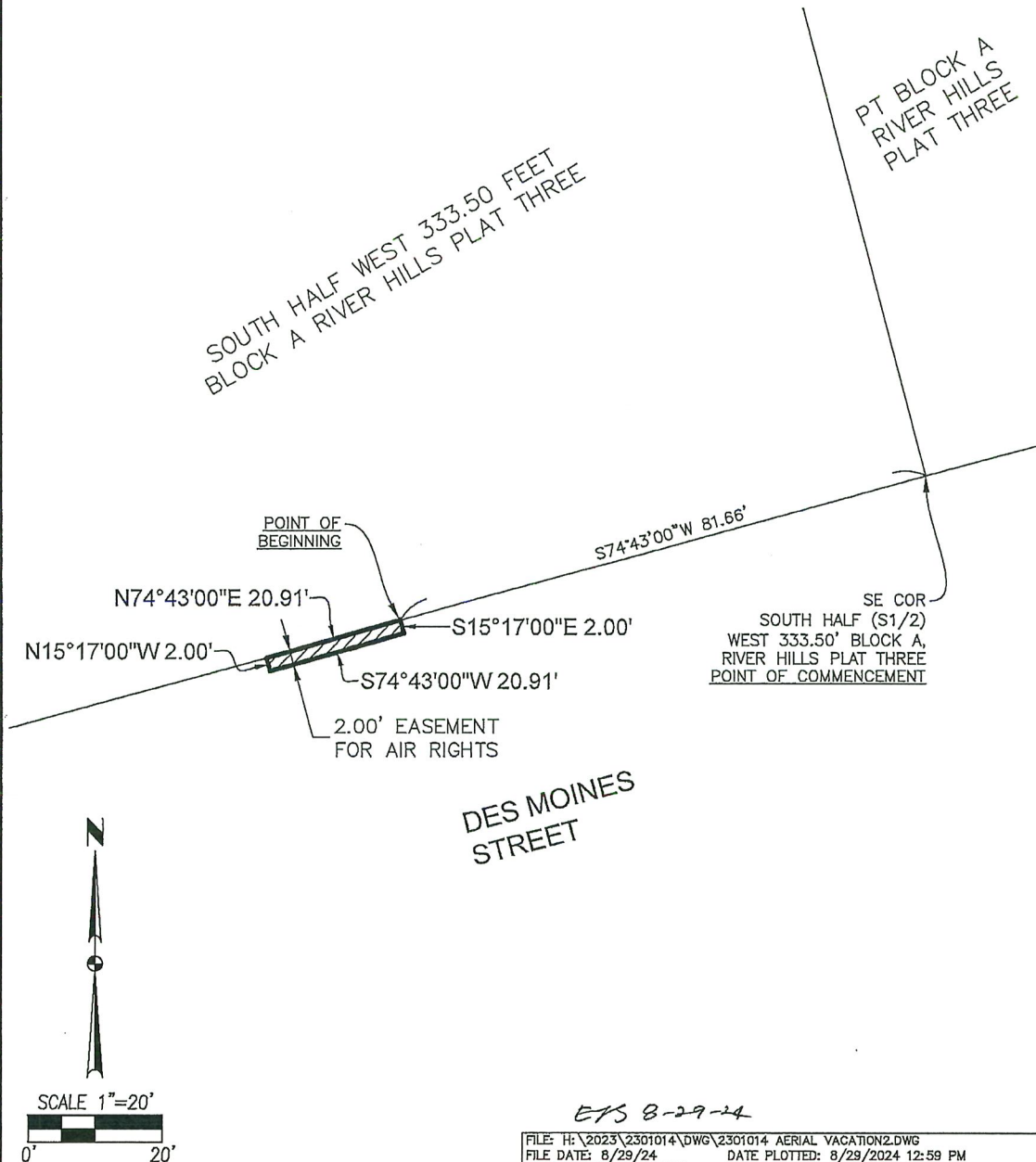
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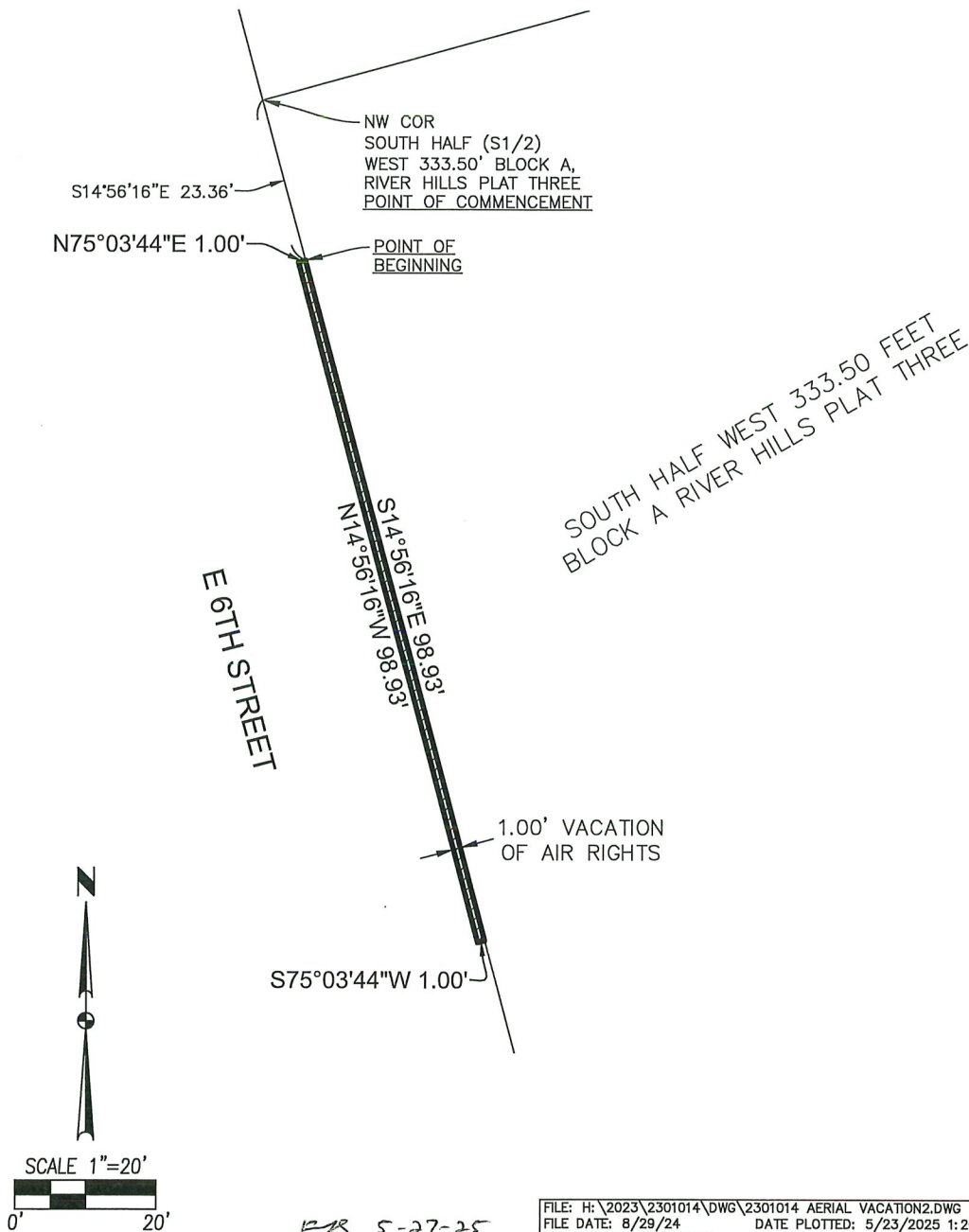
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DES MOINES, IOWA

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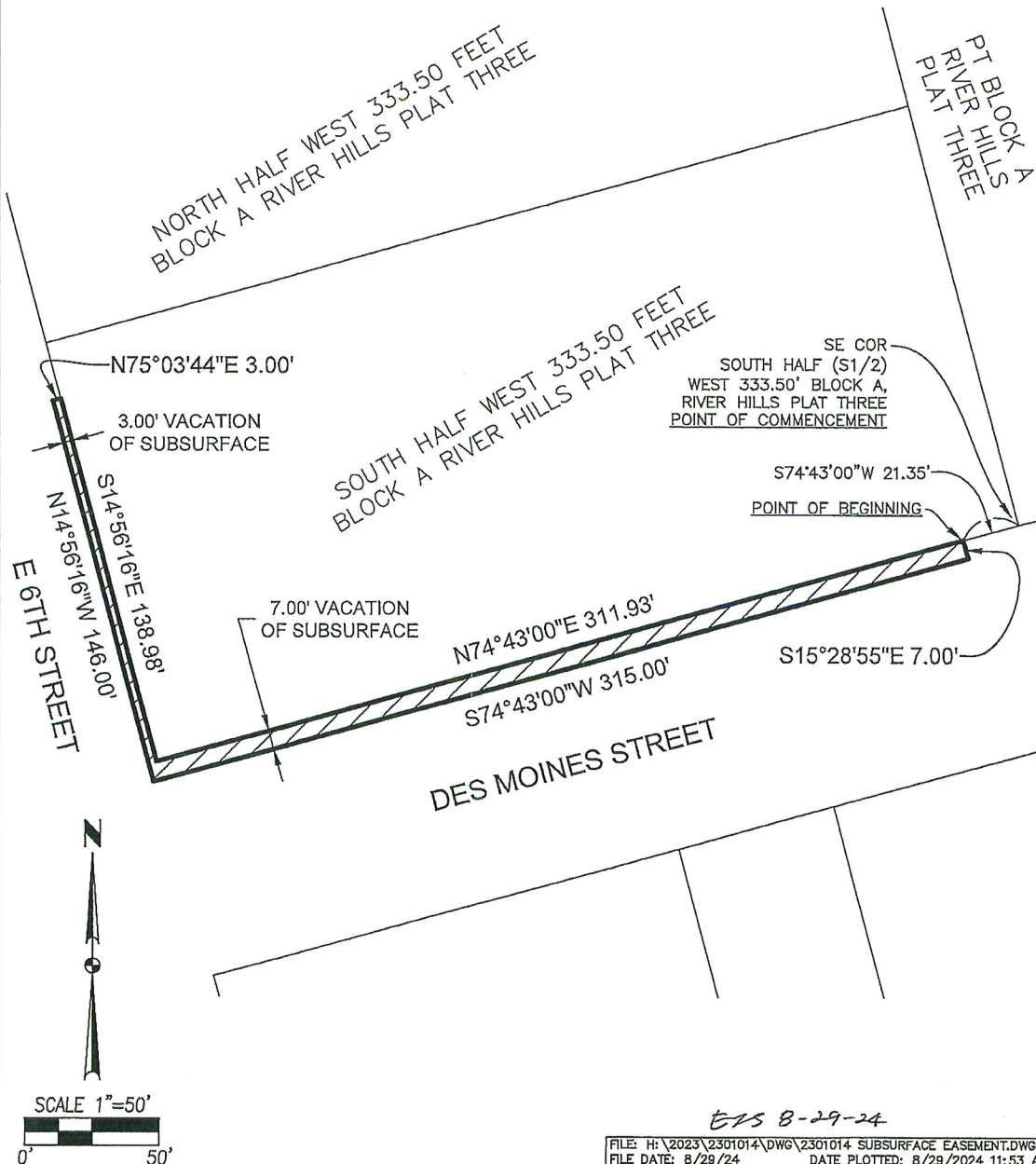
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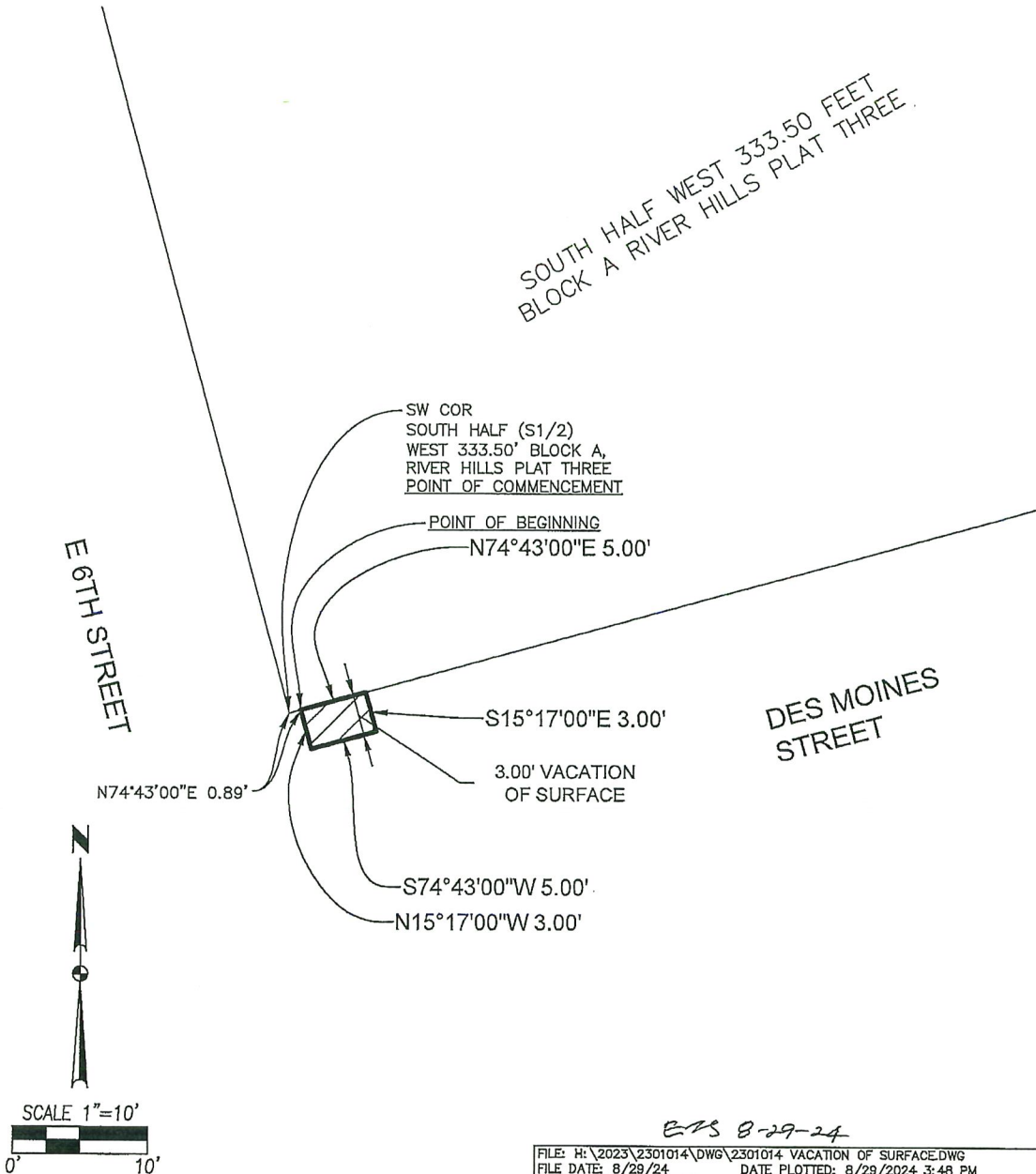
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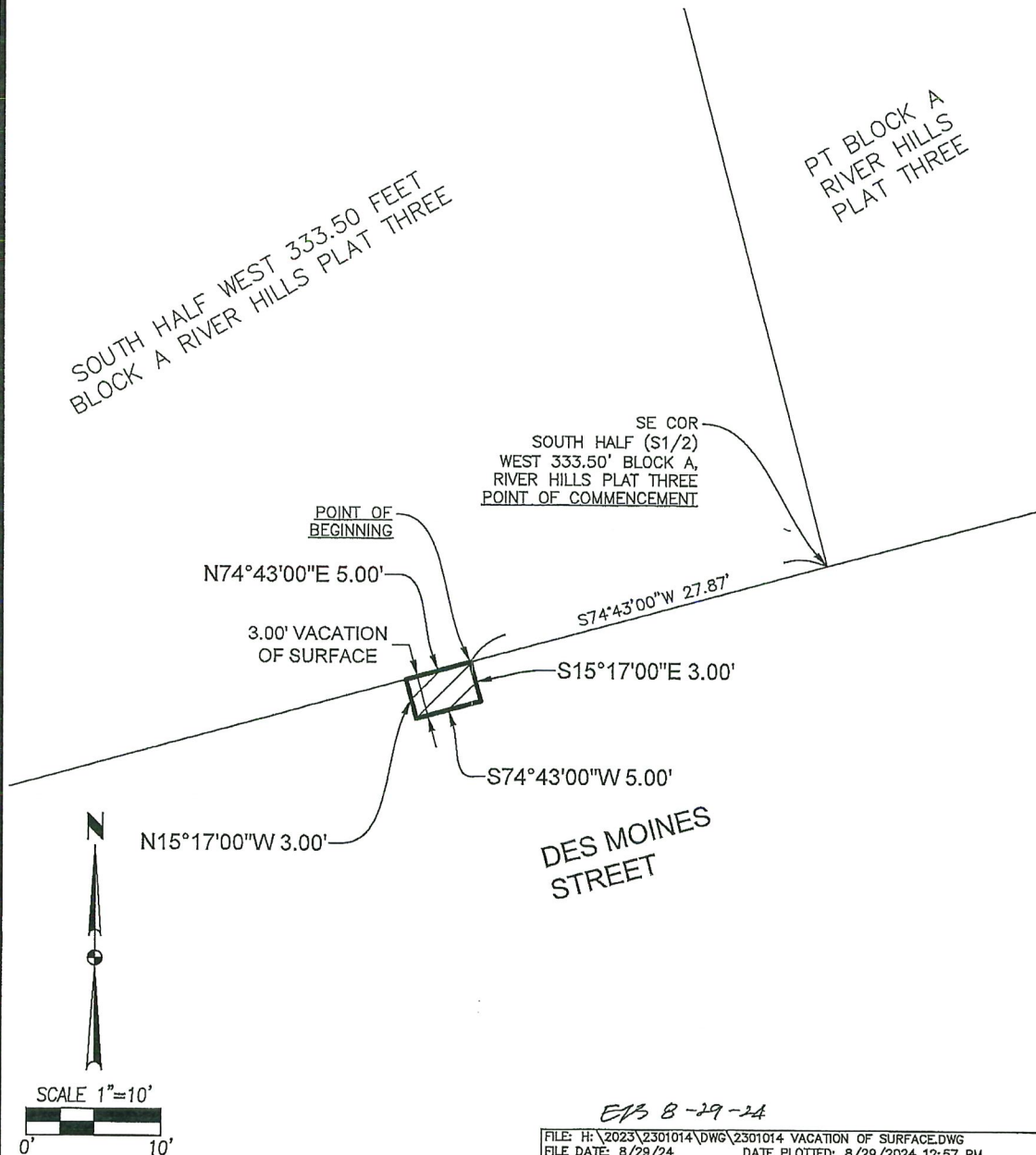
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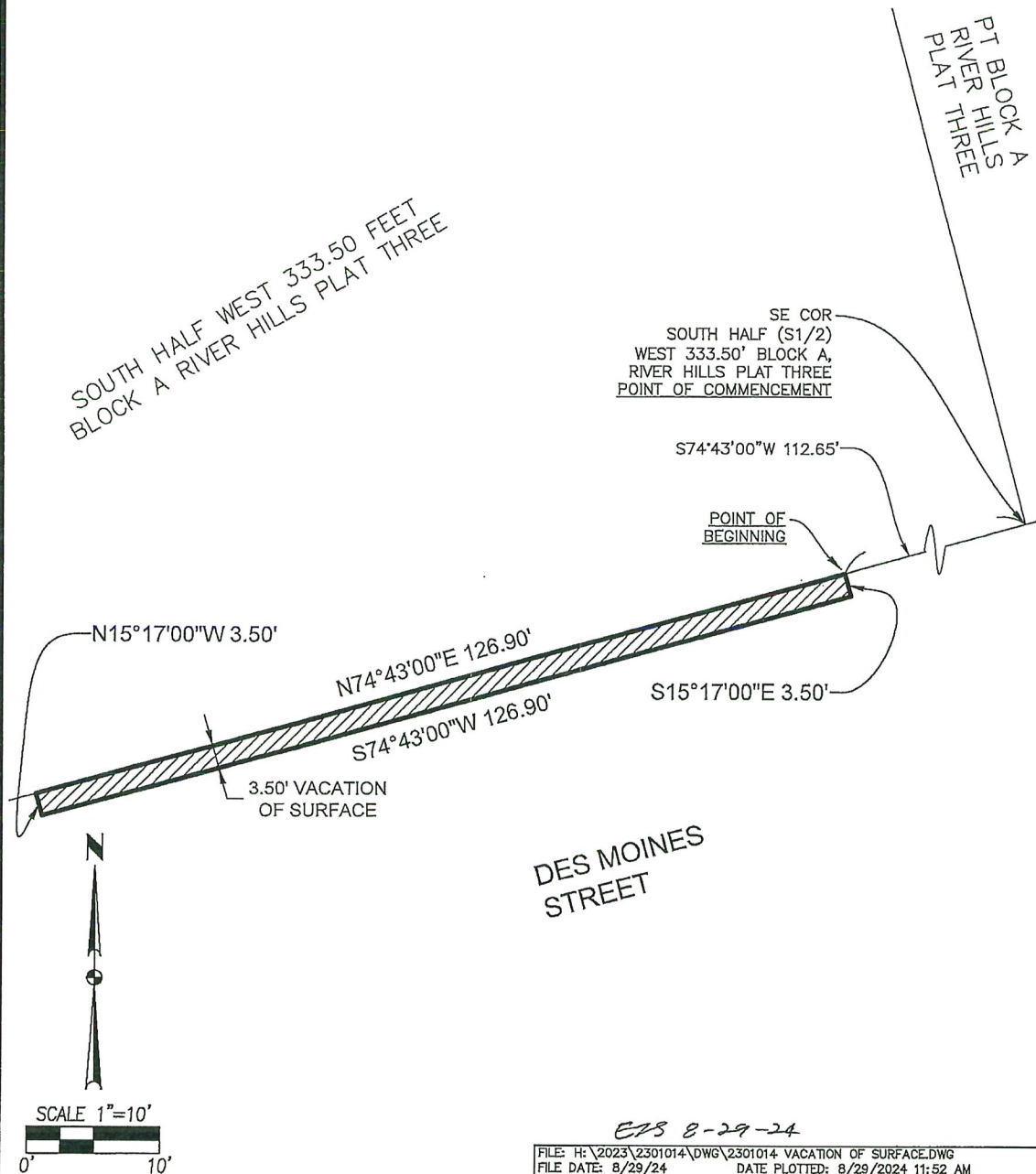
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VACATION OF SURFACE DESCRIPTION

A PART OF THE DES MOINES STREET RIGHT-OF-WAY ADJOINING THE SOUTH HALF OF THE WEST 333.50 FEET OF BLOCK A, RIVER HILLS PLAT THREE, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTH HALF OF THE WEST 333.50 FEET; THENCE SOUTH 74°43'00" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF DES MOINES STREET, 112.65 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°17'00" EAST, 3.50 FEET; THENCE SOUTH 74°43'00" WEST, 126.90 FEET; THENCE NORTH 15°17'00" WEST, 3.50 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH 74°43'00" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 126.90 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (444 SQUARE FEET).



EPS 8-29-24

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PLOTTED BY: JON ERDAHL