



# Roll Call Number

Agenda Item Number

38A

Date August 18, 2025

An Ordinance entitled, "AN ORDINANCE vacating portions of East 37<sup>th</sup> Street, East 38<sup>th</sup> Street, East Jefferson Avenue and Williams Street right-of-way located in the Lower Fourmile Creek Floodplain,"

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				
COLELMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

## 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.

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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE vacating portions of East 37<sup>th</sup> Street, East 38<sup>th</sup> Street, East Jefferson Avenue and Williams Street right-of-way located in the Lower Fourmile Creek Floodplain.

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:

Section 1. That portions of East 37<sup>th</sup> Street north of Easton Boulevard, East 38<sup>th</sup> Street between East Mattern Avenue and East Jefferson Avenue, East Jefferson Avenue east of East 38<sup>th</sup> Street and Williams Street south of East Jefferson Avenue, more specifically described as follows, be and is hereby vacated.

**PART OF EAST 37<sup>TH</sup> STREET BETWEEN LOT 808 AND EASTON BOULEVARD**

A PART OF LOT L IN FOUR MILE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 808 IN SAID FOUR MILE, SAID CORNER ALSO BEING ON THE EAST LINE OF SAID LOT L; THENCE SOUTH ALONG SAID EAST LINE TO A LINE PROJECTED SOUTHWESTERLY FROM A LINE DESCRIBED AS GOING FROM A POINT ON THE EAST LINE OF LOT 793 IN SAID FOUR MILE THAT IS 19.11 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 793 TO A POINT ON THE WEST LINE OF SAID LOT 793 THAT IS 24.08 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 793, SAID WEST LINE OF SAID LOT 793 ALSO BEING THE EAST LINE OF SAID LOT L; THENCE SOUTHWESTERLY ALONG SAID PROJECTED LINE TO THE WEST LINE OF SAID LOT L; THENCE NORTH ALONG SAID WEST LINE TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 808; THENCE EAST ALONG SAID WESTERLY EXTENSION TO THE SOUTHWEST CORNER OF SAID LOT 808 AND TO THE POINT OF BEGINNING. SAID AREA CONTAINING APPROXIMATELY 33,112 SQUARE FEET.

AND

**PART OF EAST 37<sup>TH</sup> STREET BETWEEN LOTS 808 AND 813, FOUR MILE**

A PART OF LOT L IN FOUR MILE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 813 IN SAID FOUR MILE, SAID CORNER ALSO BEING ON THE EAST LINE OF SAID LOT L; THENCE SOUTH ALONG SAID EAST LINE TO THE SOUTHWEST CORNER OF LOT 808 IN SAID FOUR MILE; THENCE WEST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 808 TO THE WEST LINE OF SAID LOT L; THENCE NORTH ALONG SAID WEST LINE TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 813; THENCE EAST ALONG THE WESTERLY EXTENSION OF SAID LOT 813 TO THE SOUTHWEST CORNER OF SAID LOT 813 AND TO THE POINT OF BEGINNING, SAID AREA CONTAINING APPROXIMATELY 10,000 SQUARE FEET.

AND

**PART OF EAST 38<sup>TH</sup> STREET AND PART OF EAST JEFFERSON AVENUE**

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 32, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5<sup>TH</sup> P.M., AND A PART OF LOTS N AND P IN ELMWOOD PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 423 IN SAID ELMWOOD PARK; THENCE SOUTH ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 423 TO THE SOUTH LINE OF SAID LOT N; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT N AND ALONG THE SOUTH LINE OF SAID LOT P TO THE WEST LINE OF SAID LOT P; THENCE CONTINUING EAST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT P, A DISTANCE OF 25 FEET; THENCE NORTH AND PARALLEL TO THE WEST LINE OF SAID LOT P TO THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 402 IN SAID ELMWOOD PARK; THENCE EAST ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 402 TO THE WEST LINE OF SAID LOT 402; THENCE SOUTH ALONG THE WEST LINE OF LOTS 402 AND 403 IN SAID ELMWOOD PARK TO THE NORTH LINE OF SAID LOT N; THENCE EAST ALONG THE NORTH LINE OF SAID LOT N TO THE SOUTHEAST CORNER OF SAID LOT 423 AND TO THE POINT OF BEGINNING, SAID AREA CONTAINING APPROXIMATELY 32,435 SQUARE FEET.

AND

**PART OF WILLIAMS STREET**

ALL THAT PART OF LOT M, AND LOTS 98 THROUGH 100 IN ELMWOOD PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 126 IN SAID ELMWOOD PARK, SAID CORNER BEING ON THE WEST LINE OF SAID LOT M; THENCE NORTH ALONG SAID WEST LINE TO THE NORTHEAST CORNER OF LOT 117 IN SAID ELMWOOD PARK; THENCE EAST ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 117 TO THE EAST LINE OF SAID LOT M; THENCE SOUTH ALONG SAID EAST LINE TO THE NORTHWEST CORNER OF SAID LOT 100; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 100, A DISTANCE OF 53.4 FEET; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO THE SOUTHWEST CORNER OF SAID LOT 98; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO THE SOUTHEAST CORNER OF SAID LOT 126 AND TO THE POINT OF BEGINNING, SAID AREA CONTAINING APPROXIMATELY 8,073 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

# EXHIBIT A

## SHT 1 of 4

**E Jefferson Ave**

**Williams St**

NORTH LINE  
OF LOT 117

**LOT 117**

NE CORNER  
OF LOT 117

EAST LINE  
OF LOT M

NW CORNER  
OF LOT 100

NORTH LINE  
OF LOT 100

53.4'

**LOT 100**

**LOT 99**

**LOT 98**

**Williams Ct**

**ELMWOOD PARK**

WEST LINE  
OF LOT M

**Williams St**

SW CORNER  
OF LOT 98

POB  
SE CORNER  
OF LOT 126

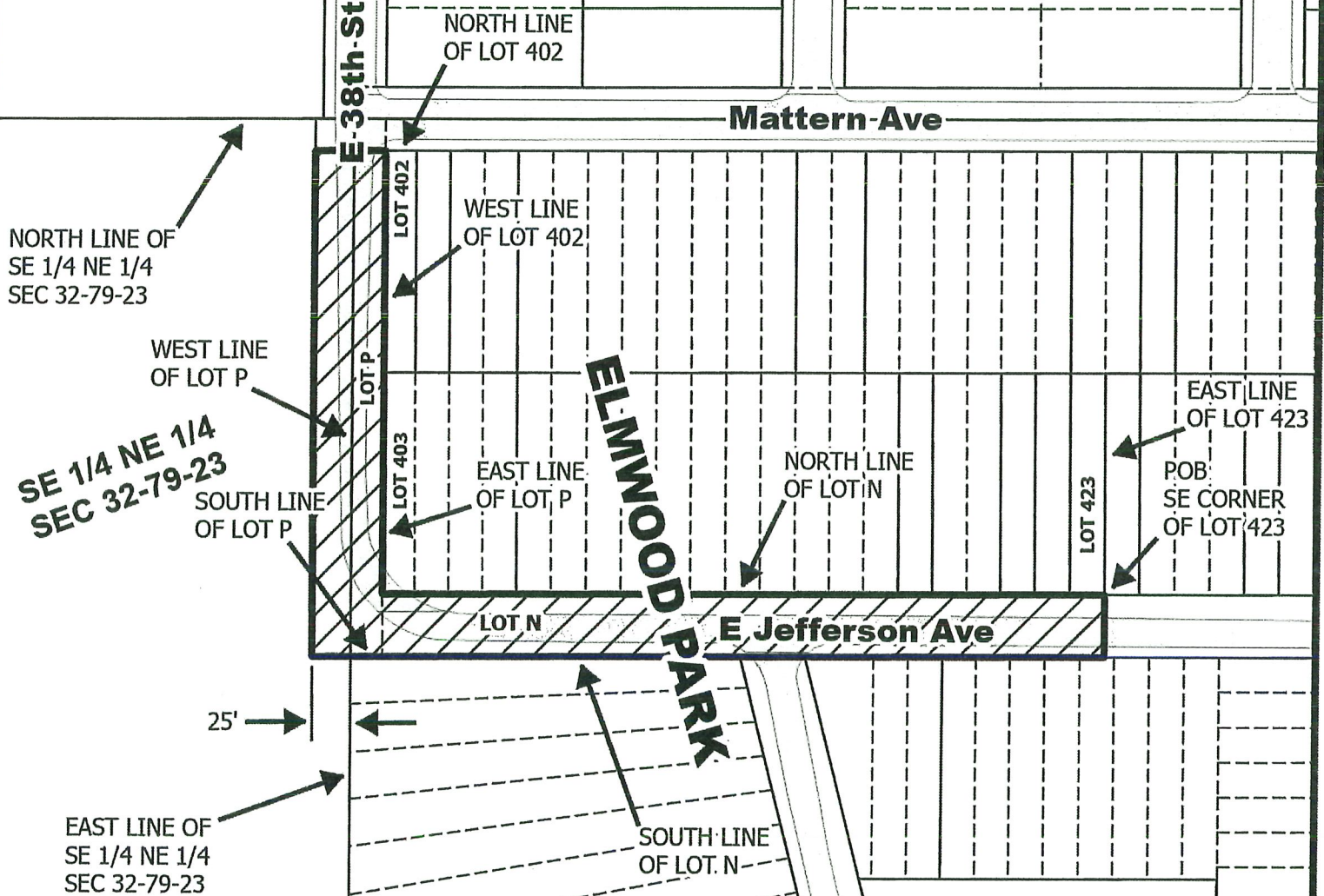
**LOT 126**

**LOT M**

N

 **AREA TO BE VACATED**

**EXHIBIT A**  
**SHT 2 of 4**



# EXHIBIT A

## SHT 3 of 4

LOT 808

SOUTH LINE  
OF LOT 808  
SW CORNER  
OF LOT 808  
POB

Vacated Arthur Ave

FOUR MILE

EAST LINE  
OF LOT L

E 37th Ct

E 37th St

WEST LINE  
OF LOT L

WEST LINE  
OF LOT 793

EAST LINE  
OF LOT 793

19.11'

LOT 793

24.08'

Easton Blvd

SW CORNER OF LOT 793

SE CORNER OF LOT 793

 AREA TO BE VACATED

N



# EXHIBIT A

## SHT 4 of 4

SOUTH LINE  
OF LOT 813

LOT 813

SW CORNER  
OF LOT 813  
POB

EAST LINE  
OF LOT L

WEST LINE  
OF LOT L

LOT L

E 37th St

FOUR MILE

LOT 808

SOUTH LINE  
OF LOT 808

SW CORNER  
OF LOT 808

LOT L

Vacated Arthur Ave

N

 AREA TO BE VACATED