

Date August 18, 2025

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**HOLD HEARING FOR VACATION OF MULTIPLE SEGMENTS OF STREET AND ALLEY
RIGHT-OF-WAY IN THE VICINITY OF 201 SE 7TH STREET FOR CITY STORM WATER
AND PARK IMPROVEMENTS**

WHEREAS, on July 14, 2025, by Roll Call No. 25-0971, the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a City initiated request to vacate multiple segments of street and alley right-of-way in the vicinity of 201 Southeast 7th Street ("Property") to allow for incorporation into a naturalized detention park on the eastern portion of the Market District; and

WHEREAS, there is no known current or future public need or benefit for the right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation of said right-of-way, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated; and

WHEREAS, on August 4, 2025, by Roll Call No. 25-1046, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of the right-of-way be set for hearing on August 18, 2025, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate street and alley right-of-way was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed vacation, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation of multiple segments of street and alley right-of-way in the vicinity of 201 SE 7th Street, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said right-of-way, legally described as follows, and said vacation is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated:

ALL THAT PART OF SOUTHEAST 8TH STREET RIGHT OF WAY LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF THE VACATED EAST/WEST ALLEY IN BLOCK 19 OF TOWN OF DE MOINE, AN OFFICIAL PLAT, AND LYING SOUTH OF A LINE BEGINNING AT A POINT ON THE EAST LINE OF THE OFFICIAL PLAT OF LOTS 1, 2, 9 AND 10, BLOCK 20, TOWN OF DE MOINE, SAID POINT BEING ON SAID EAST LINE, A DISTANCE OF 56.78

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FEET NORTH OF AND ALONG SAID LINE FROM THE SOUTHWEST CORNER OF LOT 10 IN SAID OFFICIAL PLAT OF LOTS 1, 2, 9 AND 10, BLOCK 20, TOWN OF DE MOINE; THENCE RUNNING WESTERLY ALONG A STRAIGHT LINE TO THE NORTHEAST CORNER OF PARCEL A, SAID PARCEL A BEING SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 12596 AND PAGE 321 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA,

AND

ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 3 THROUGH 8 IN BLOCK 20 OF SAID TOWN OF DE MOINE AND LYING EAST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 3 AND LYING WESTERLY FOLLOWING DESCRIBED LINE: COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF THE EAST/WEST ALLEY IN SAID BLOCK 20 AND THE EAST RIGHT OF WAY LINE OF THE NORTH/SOUTH ALLEY IN SAID OFFICIAL PLAT OF LOTS 1, 2, 9 AND 10, BLOCK 20, TOWN OF DE MOINE; THENCE NORTH ALONG THE EAST LINE OF SAID NORTH/SOUTH ALLEY, A DISTANCE OF 17.07 FEET; THENCE EASTERLY ALONG A LINE HAVING A BEARING OF NORTH 88°42'34" EAST, TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF THE EAST/WEST ALLEY IN SAID BLOCK 20 AND TO THE BEGINNING OF SAID LINE; THENCE EASTERLY ALONG A STRAIGHT LINE TO THE NORTHEAST CORNER OF SAID LOT 8 AND THE END OF SAID LINE, - EXCEPT THE AREA DEEDED BY THE CITY OF DES MOINES, IOWA, SAID AREA BEING RECORDED IN BOOK 3982 PAGE 129 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA-,

AND

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID OFFICIAL PLAT OF LOTS 1, 2, 9 AND 10, BLOCK 20, TOWN OF DE MOINE LYING NORTH OF THE EAST/WEST ALLEY IN SAID BLOCK 20 AND LYING SOUTH OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF THE EAST/WEST ALLEY IN SAID BLOCK 20 AND THE EAST RIGHT OF WAY LINE OF THE NORTH/SOUTH ALLEY IN SAID OFFICIAL PLAT OF LOTS 1, 2, 9 AND 10, BLOCK 20, TOWN OF DE MOINE; THENCE NORTH ALONG THE EAST LINE OF SAID NORTH/SOUTH ALLEY IN SAID OFFICIAL PLAT OF LOTS 1, 2, 9 AND 10, BLOCK 20, TOWN OF DE MOINE, A DISTANCE OF 17.07 FEET TO THE BEGINNING OF SAID LINE; THENCE WESTERLY TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID NORTH/SOUTH ALLEY RIGHT OF WAY, SAID POINT BEING 21.70 FEET NORTH OF THE NORTH RIGHT OF WAY LINE OF THE EAST/WEST ALLEY IN SAID BLOCK 20, SAID POINT BEING THE END OF SAID LINE,

AND

ALL OF THE EAST MARKET STREET RIGHT OF WAY LYING EASTERLY OF THE EAST RIGHT OF WAY LINE OF SOUTHEAST 7TH STREET AND LYING WESTERLY OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 15 IN THE OFFICIAL PLAT OF LOTS 3 THROUGH 8, BLOCK 22, TOWN OF DE MOINE, -EXCEPT THE NORTH 35 FEET OF EAST MARKET STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING EAST 60 FEET OF THE WEST 90 FEET OF BLOCK 19 IN SAID TOWN OF DE MOINE-,

AND



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ALL THAT PART OF THE SOUTHEAST 8TH STREET RIGHT OF WAY LYING EAST OF AND ADJOINING LOT 9 IN SAID BLOCK 19, -EXCEPT THE AREA DEEDED BY THE CITY OF DES MOINES, IOWA, SAID DEED WAS RECORDED IN BOOK 3982 PAGE 129 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA-,

AND

ALL THAT PART OF THE SOUTHEAST 9TH STREET RIGHT OF WAY LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF EAST MARKET STREET AND LYING SOUTH OF A LINE RUNNING FROM THE NORTHEAST CORNER OF LOT 8 IN SAID BLOCK 20 TO THE NORTHWEST CORNER OF LOT 12 IN THE OFFICIAL PLAT OF LOTS 2 THROUGH 8, BLOCK 21, TOWN OF DE MOINE,

AND

ALL OF THE SOUTHEAST 10TH STREET RIGHT OF WAY LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF EAST MARKET STREET AND LYING SOUTH OF A LINE RUNNING FROM THE NORTHEAST CORNER OF LOT 17 IN SAID OFFICIAL PLAT OF LOTS 2 THROUGH 8, BLOCK 21, TOWN OF DE MOINE, TO THE NORTHWEST CORNER OF LOT 14 IN SAID OFFICIAL PLAT OF LOTS 3 THROUGH 8, BLOCK 22, TOWN OF DE MOINE,

AND

ALL OF THE SOUTHEAST 10TH STREET RIGHT OF WAY LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF EAST MARKET STREET AND LYING NORTH OF A LINE RUNNING FROM THE NORTHEAST CORNER OF LOT 11 OF THE OFFICIAL PLAT OF LOTS 5 AND 6, BLOCK 26, TOWN OF DE MOINE, TO THE NORTHWEST CORNER OF LOT 13 IN THE OFFICIAL PLAT OF LOTS 5 THROUGH 10, BLOCK 25, TOWN OF DE MOINE,

AND

ALL OF SOUTHEAST 11TH STREET RIGHT LYING BETWEEN THE SOUTH RIGHT OF WAY LINE OF EAST MARKET STREET AND THE NORTH RIGHT OF WAY EAST ELM STREET, ALL IN SAID TOWN OF DE MOINE,

AND

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 24 OF SAID TOWN OF DE MOINES,

AND

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY IN SAID BLOCK 24,

AND

ALL THAT PART OF SOUTHEAST 12TH STREET RIGHT OF WAY LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF EAST ELM STREET AND LYING SOUTH OF A LINE DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE OFFICIAL PLAT OF LOT 5 THROUGH 10, BLOCK 24, TOWN OF DE MOINE; THENCE NORTH ALONG THE EAST LINE OF SAID

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OFFICIAL PLAT OF LOT 5 THROUGH 10, BLOCK 24, TOWN OF DE MOINE, A DISTANCE OF 75.81 FEET TO THE BEGINNING OF SAID LINE; THENCE EASTERLY ALONG A LINE HAVING THE BEARING OF NORTH 88°47'59" EAST, TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 12TH STREET AND THE END OF SAID LINE, ALL IN TOWN OF DE MOINE,

AND

ALL OF THE EAST ELM STREET RIGHT OF WAY LYING EAST OF THE EAST RIGHT OF WAY LINE OF SOUTHEAST 7TH STREET AND LYING WEST OF THE EAST RIGHT OF WAY LINE OF SOUTHEAST 12TH STREET, **-EXCEPT** THE SOUTH 20 FEET OF THE VACATED EAST ELM STREET RIGHT OF WAY LYING EAST OF THE EAST RIGHT OF WAY LINE OF SOUTHEAST 9TH STREET AND LYING WEST OF THE EAST RIGHT OF WAY LINE OF SOUTHEAST 12TH STREET (SAID SOUTH 20 FEET VACATED BY ORDINANCE 3571 ON AUGUST 3RD, 1925), ALL IN SAID TOWN OF DE MOINE,

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. Upon final passage of an ordinance vacating said right-of-way and approval by resolution of this City Council, the City Clerk is authorized and directed to forward a certified copy of this resolution and of the affidavit of publication of the notice of this hearing to the Polk County Recorder's Office for the purpose of causing said documents to be recorded.

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Grant Hyland
Grant Hyland, Assistant City Attorney

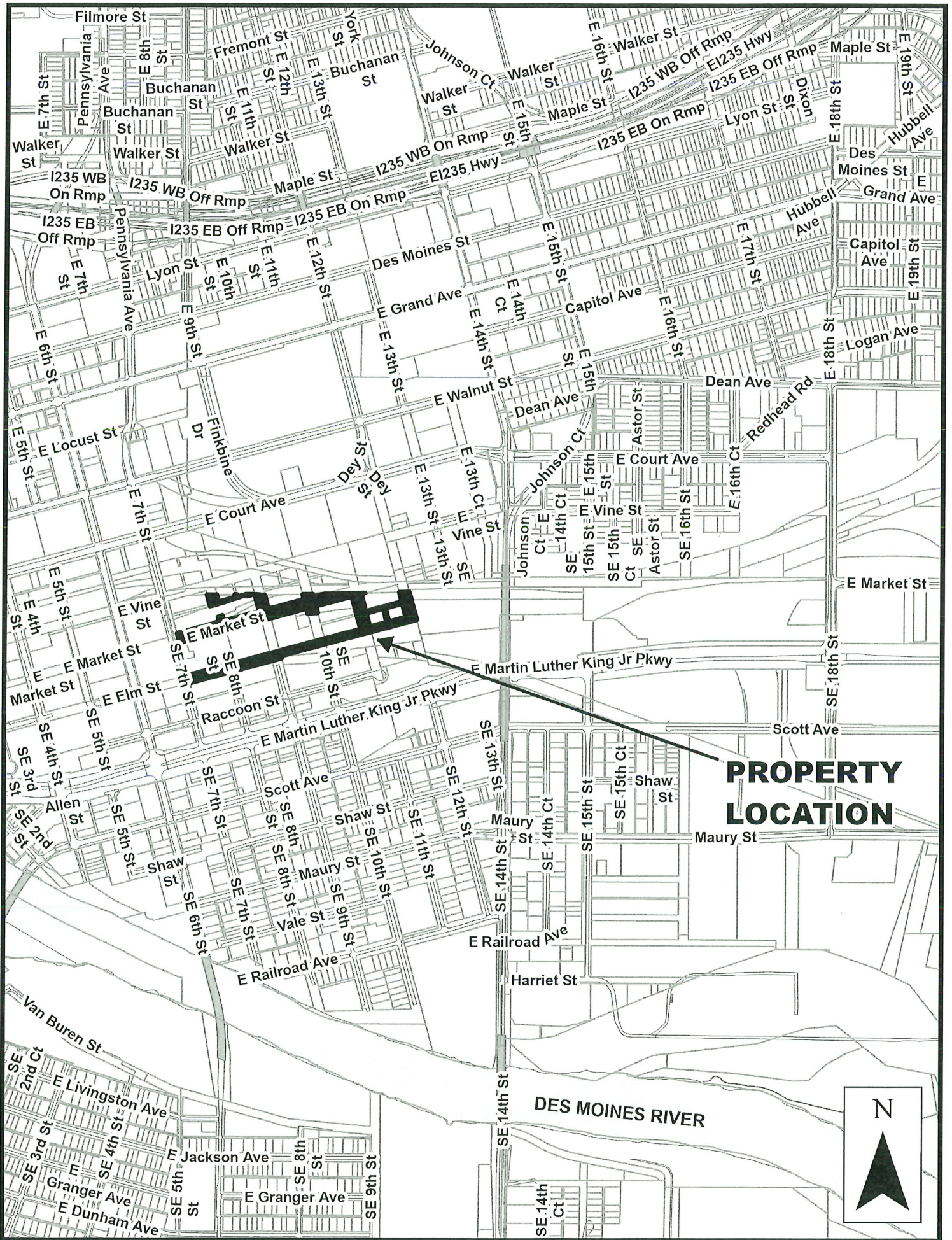
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, Laura L. 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.

Laura L. Baumgartner, City Clerk



June 30, 2025

Communication from the City Plan and Zoning Commission advising that at their June 26, 2025 meeting, the following action was taken on a City initiated request for vacation of multiple segments of right-of-way in the vicinity of 201 Southeast 7th Street, for purposes of a project to remove the roadways for incorporation into a naturalized detention park on the eastern portion of the Market District.

COMMISSION RECOMMENDATION: 13-0

After public hearing, the members voted as follows:

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Kayla Berkson	X				
Chris Draper					X
Laura Kessel	X				
Todd Garner	X				
Johnny Alcivar	X				
Carolyn Jenison	X				
William Page	X				
Andrew Lorentzen	X				
Emily Webb	X				
Katie Gillette					X
Rick Trower	X				
Jane Rongerude	X				
John Erpelding	X				

Approval of the requested right-of-way vacations, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested right-of-way vacations, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacations would be assembled with a larger area on the eastern side of the Market District for a naturalized park that is primarily for helping manage stormwater.

The Market District Plan describes the proposed park as a subtle bowl shape in the ground surrounded by Iowa-native plants will help with containing stormwater and outflow under Southeast 9th Street. The largest for the Market District neighborhood, it will go from the Southeast 14th Street bridge to East 7th Street and will be bordered to the north by the walking trail from Red Bridge and MLK Jr Pkwy on the south.

2. **Size of Site:** The requested segments of right-of-way comprise approximately 6.64 acres (289,290.271 square feet).
3. **Existing Zoning (site):** "DX2" and "DXR" Downtown Districts.
4. **Existing Land Use (site):** The requested segment are undeveloped street and alley rights-of-way in an area generally bounded by Southeast 7th Street to the west, Iowa Interstate Railroad to the north, Southeast 14th Street bridge to the east, and East Elm Street/BNSF Railroad right-of-way to the south.
5. **Adjacent Land Use and Zoning:**
 - North** – "DXR", "DX2"; Vacant undeveloped land and Iowa Interstate Railroad right-of-way.
 - South** – "DXR", "DX2"; Uses are heavy industrial, warehousing and BNSF Railroad right-of-way.
 - East** – "DX2"; Uses are undeveloped vacant land and Iowa Interstate Railroad right-of-way.
 - West** – "DX2", Uses are multiple-household residential.
6. **General Neighborhood/Area Land Uses:** The subject area consists of multiple segments of street and alley right-of-way that are in the eastern portion of the Market District. The surrounding area is transitioning from industrial to mixed use. It currently contains a mix of downtown focused residential, open undeveloped land, miscellaneous industrial, and other railroad focused uses.

7. **Applicable Recognized Neighborhood(s):** The subject properties are located within the Historic East Village Neighborhood Association. All recognized neighborhood associations were notified of the meeting by emailing of the Preliminary Agenda on June 6, 2025, and by emailing of the Final Agenda on June 20, 2025. Additionally, separate notifications of the hearing for this specific item were mailed on June 16, 2025 (10 days prior) to the applicable neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property adjoining the requested public Right-of-Way.
8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Downtown Mixed Use.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** Identified utilities located in or near the impacted area include water valves, water hydrants, distribution water mains, sanitary sewer conduit, sanitary sewer manholes, and non-City-owned streetlights. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. **Traffic/Access:** The requested vacations would not negatively impact access to private properties or traffic patterns.
3. **Market District Plan:** The City's Market District Plan envisions this formerly industrial area at the edge of downtown as a mix of housing, office, retail, hospitality and entertainment. This 10 block, 39-acre area is rapidly transitioning with future redevelopment projects in the pipeline and seeks to make the area highly walkable. One of the key features proposed on the eastern corner of the District is a naturalized park that is primarily for managing stormwater. A subtle bowl shape in the ground surrounded by Iowa-native plants will help with containing stormwater and outflow under Southeast 9th Street. The western edge will be like a town square with a pavilion, playground, and large lawn. The other plan for this park is to include boardwalks and shared paths for walking, running, and bicycling.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested right-of-way vacations, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

SUMMARY OF DISCUSSION

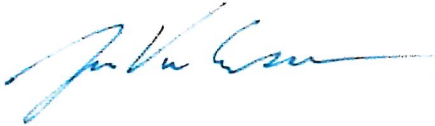
Leah Rudolphi asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION

Carolyn Jennison made a motion for approval of the requested right-of-way vacations, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

THE VOTE: 13-0

Respectfully submitted,



Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw

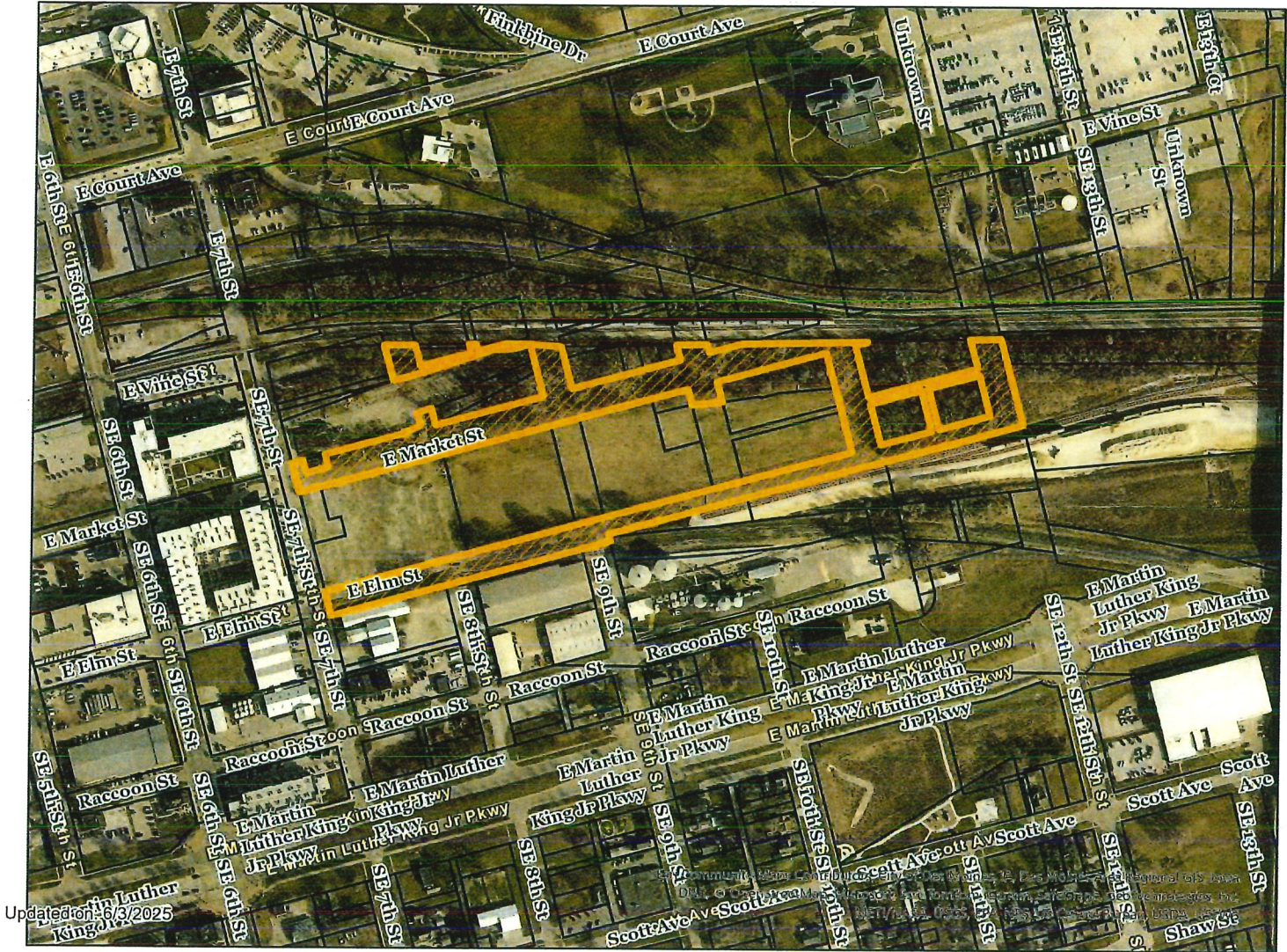




EXHIBIT A
SHT 1 OF 5

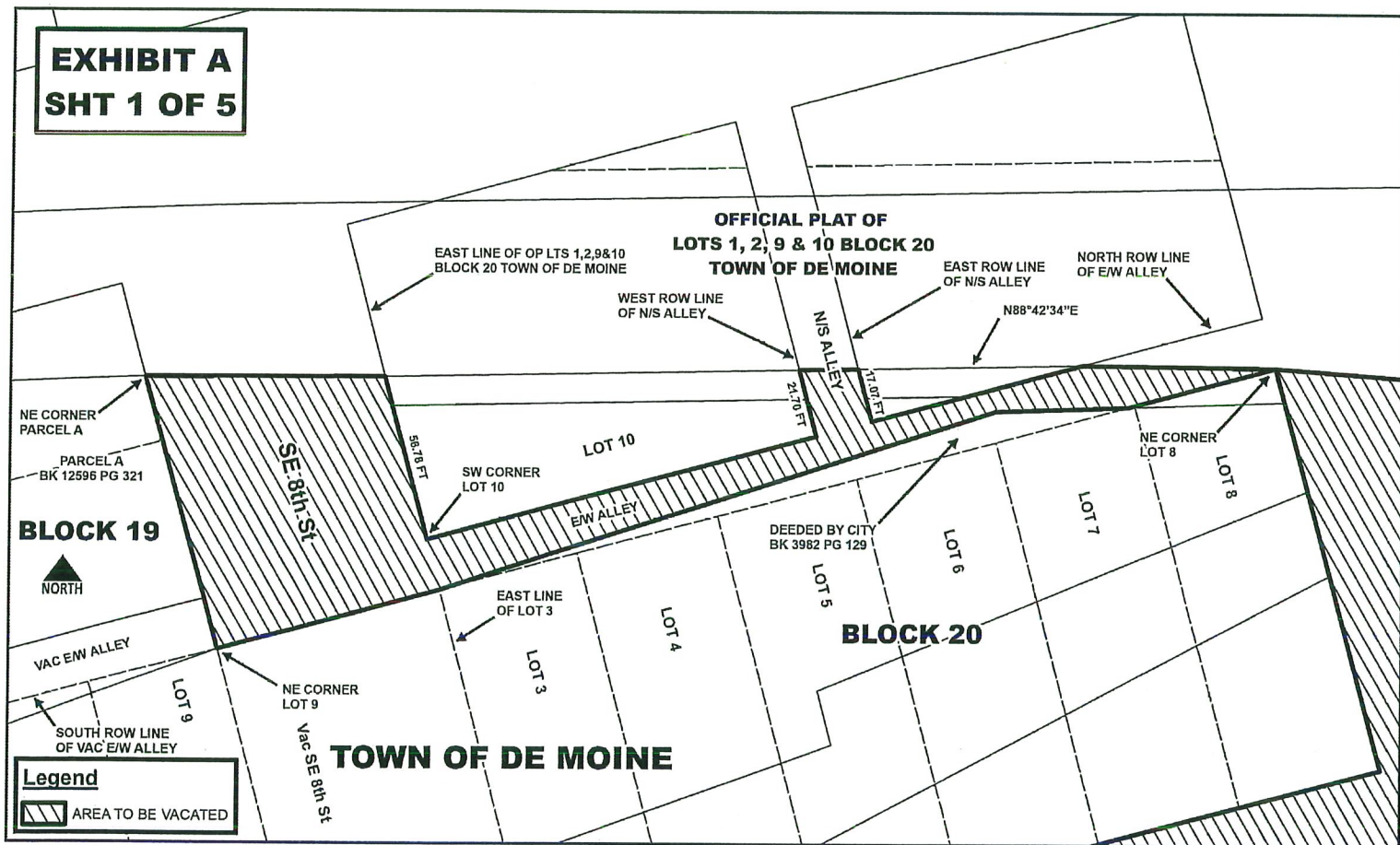


EXHIBIT A
SHT 2 OF 5

BLOCK 19

BLOCK 20

TOWN OF DE MOINE

NE CORNER
LOT 9

DEEDED BY CITY
BK 3982 PG 129

LOT 9

WEST LINE
OF LOT 9

Vac SE 8th St

SE 8th St

SE CORNER
LOT 9

EAST ROW LINE
OF SE 7TH ST

WEST LINE
OF BLOCK 19

90 FT
Vac E Market St
60 FT

35 FT

E Market St

SE 7th St



Legend

 AREA TO BE VACATED

EXHIBIT A
SHT 3 OF 5

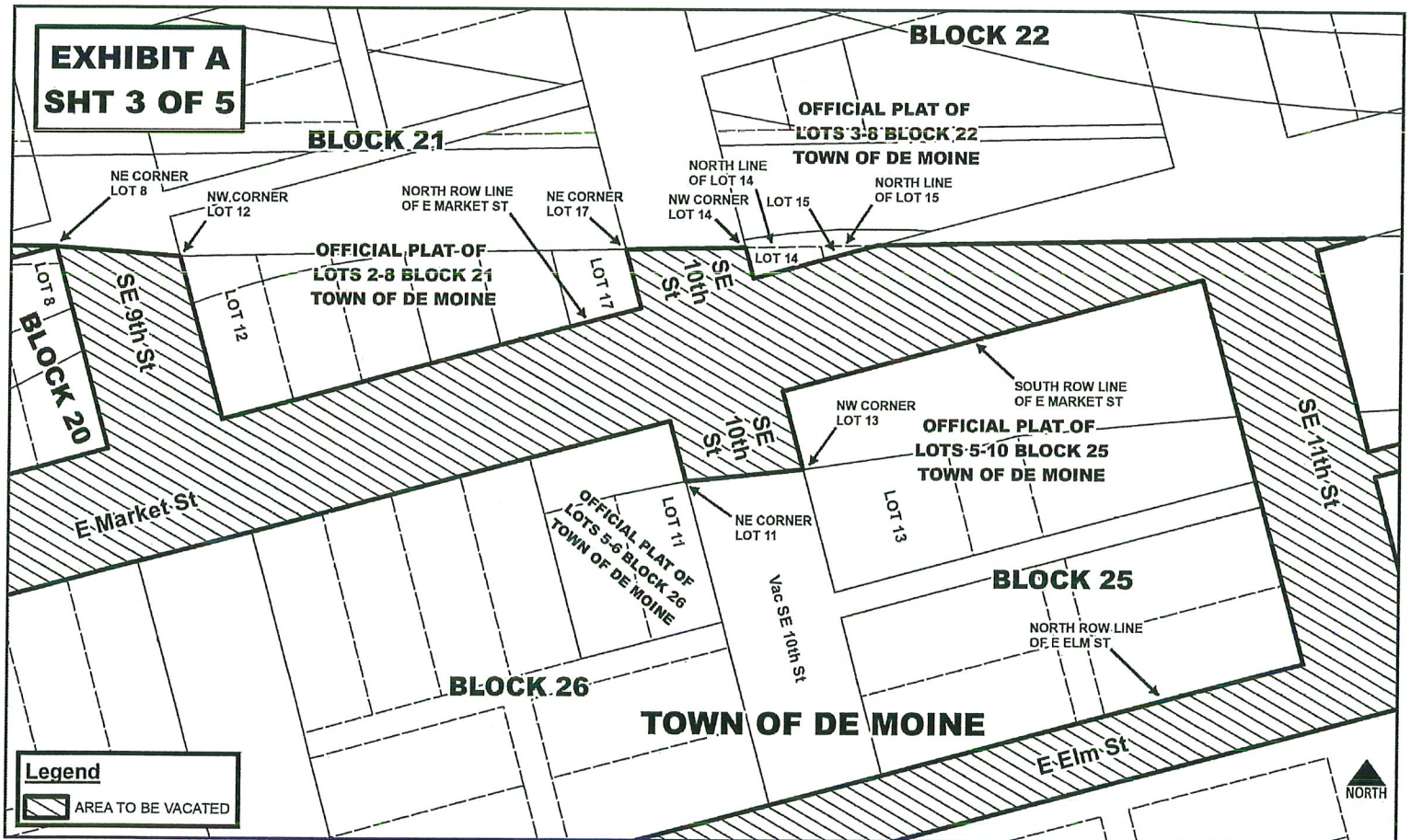


EXHIBIT A
SHT 4 OF 5

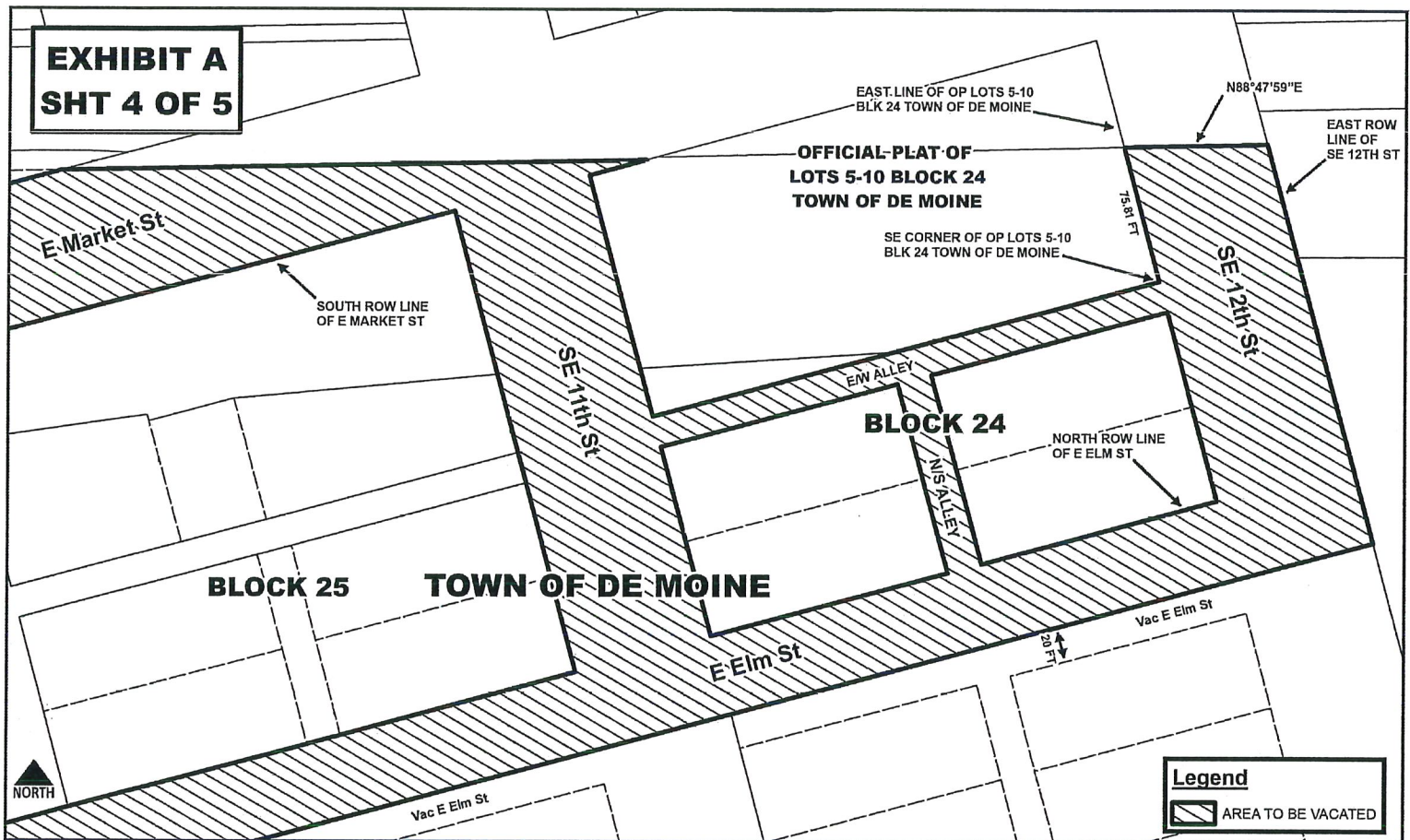


EXHIBIT A
SHT 5 OF 5

BLOCK 20

BLOCK 24

BLOCK 25

BLOCK 26

TOWN OF DE MOINE

SOUTH ROW LINE
OF E MARKET ST.

NORTH ROW LINE
OF E ELM ST

EAST ROW OF
SE 7TH ST


EAST ROW OF
SE 9TH ST.

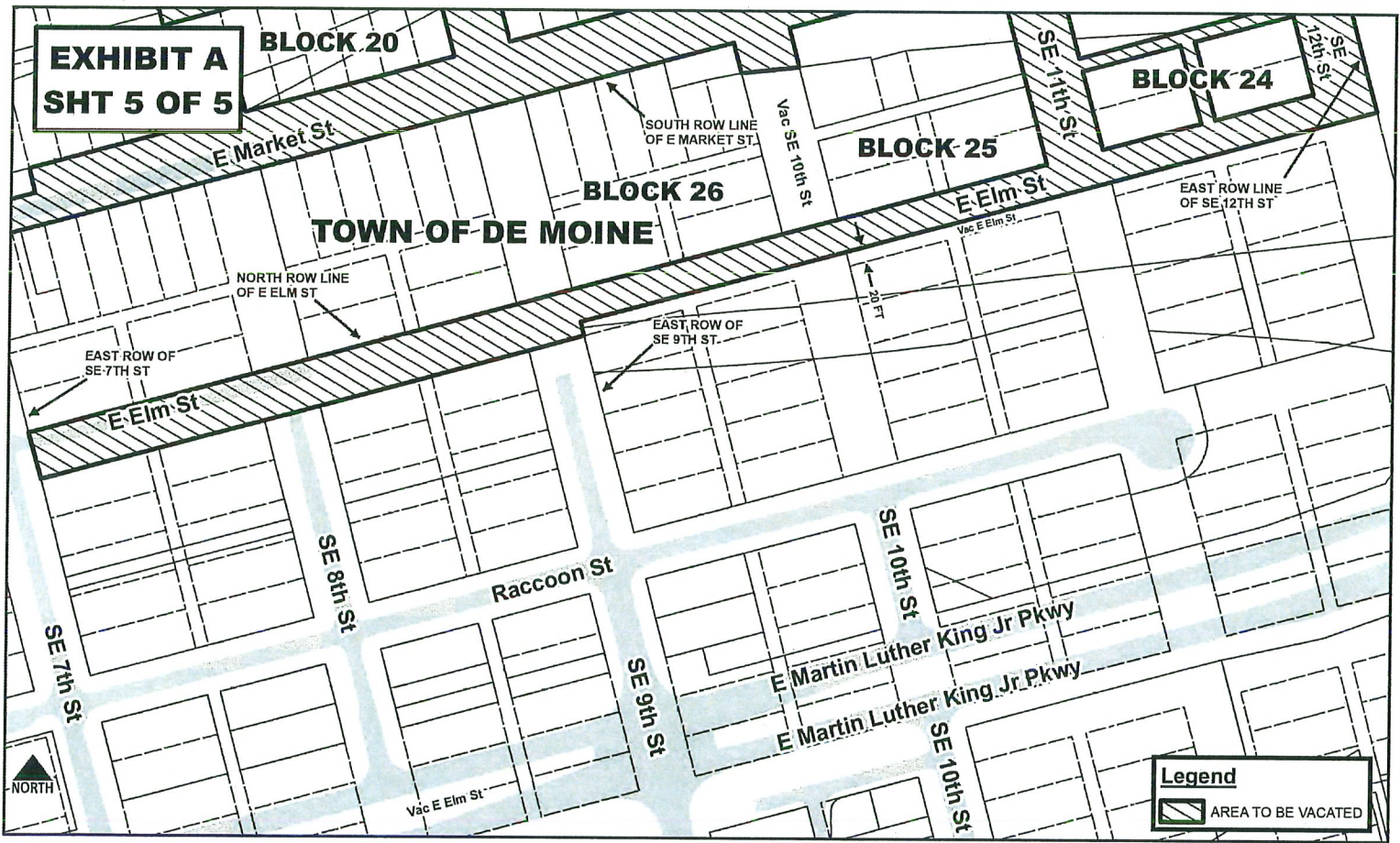
EAST ROW LINE
OF SE 12TH ST

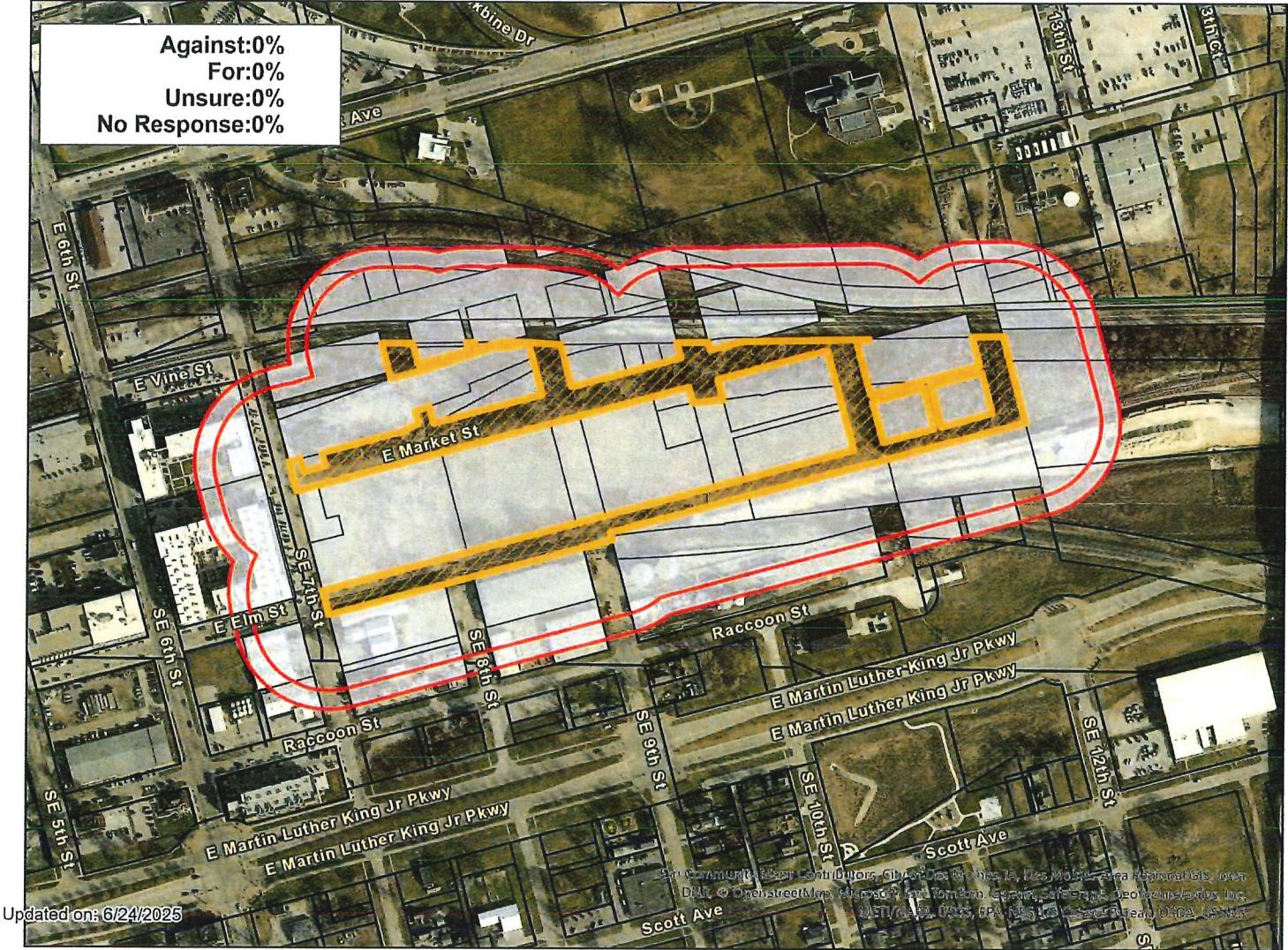
20 FT



Legend

 AREA TO BE VACATED





ROWV-2025-000008

