



**Roll Call Number**

**Agenda Item Number**

61A

**Date** September 29, 2025

An Ordinance entitled, "AN ORDINANCE vacating surface rights within a portion of Depot Street right-of-way adjoining 108 3<sup>rd</sup> Street, 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

61A

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

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

AN ORDINANCE vacating surface rights within a portion of Depot Street right-of-way adjoining 108 3<sup>rd</sup> Street, 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 surface rights within a portion of Depot Street right-of-way adjoining 108 3<sup>rd</sup> Street, Des Moines, Iowa, more specifically described as follows, be and is hereby vacated:

A PART OF THE 19.00-FOOT-WIDE DEPOT STREET RIGHT-OF-WAY LYING SOUTH OF LOTS 5 & 8, BLOCK 25, FORT DES MOINES, 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 LOT 8; THENCE NORTH 74°29'35" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 8, A DISTANCE OF 100.63 FEET; THENCE SOUTH 15°30'25" EAST, 13.00 FEET; THENCE SOUTH 74°29'35" WEST, 24.00 FEET; THENCE NORTH 15°30'25" WEST, 4.50 FEET; THENCE SOUTH 74°29'35" WEST, 70.00 FEET; THENCE NORTH 15°30'25" WEST, 7.50 FEET; THENCE SOUTH 74°29'35" WEST, 46.84 FEET; THENCE NORTH 15°30'25" WEST, 1.00 FEET TO THE SOUTHERLY LINE OF SAID LOT 5; THENCE NORTH 74°29'35" EAST ALONG SAID SOUTHERLY LINE AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DEPOT STREET, 40.21 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (954 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' - RIGHT-OF-WAY VACATION

OWNER

CITY OF DES MOINES

## RIGHT-OF-WAY VACATION DESCRIPTION

A PART OF THE 19.00-FOOT-WIDE DEPOT STREET RIGHT-OF-WAY LYING SOUTH OF LOTS 5 & 8, BLOCK 25, FORT DES MOINES, 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 LOT 8; THENCE NORTH  $74^{\circ}29'35''$  EAST ALONG THE SOUTHERLY LINE OF SAID LOT 8, A DISTANCE OF 100.63 FEET; THENCE SOUTH  $15^{\circ}30'25''$  EAST, 13.00 FEET; THENCE SOUTH  $74^{\circ}29'35''$  WEST, 24.00 FEET; THENCE NORTH  $15^{\circ}30'25''$  WEST, 4.50 FEET; THENCE SOUTH  $74^{\circ}29'35''$  WEST, 70.00 FEET; THENCE NORTH  $15^{\circ}30'25''$  WEST, 7.50 FEET; THENCE SOUTH  $74^{\circ}29'35''$  WEST, 46.84 FEET; THENCE NORTH  $15^{\circ}30'25''$  WEST, 1.00 FEET TO THE SOUTHERLY LINE OF SAID LOT 5; THENCE NORTH  $74^{\circ}29'35''$  EAST ALONG SAID SOUTHERLY LINE AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DEPOT STREET, 40.21 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (954 SQUARE FEET).

