

Date September 29, 2025

Page 1

**HOLD HEARING TO CORRECT VACATION OF TWO IRREGULAR SHAPED
SEGMENTS OF UNDEVELOPED RIGHT-OF-WAY LOCATED IN THE VICINITY
OF 6200 SCOUT TRAIL AND CORRECT THE RELEASE OF PERMANENT
EASEMENT FOR PUBLIC RIGHT OF WAY ON SAID PROPERTY**

WHEREAS, on July 14, 2025, by Roll Call No. 25-0998, the City Council of the City of Des Moines voted to pass Ordinance No. 16,481 vacating two irregular shaped segments of undeveloped right-of-way located in the vicinity of 6200 Scout Trail to allow the adjoining property owner, Bell Avenue Properties, Inc., to assemble the vacated right-of-way with their adjoining property and authorizing a Release of Easement for public right-of-way, subject to reservation of easement for existing utilities; and

WHEREAS, subsequent to passing Ordinance No. 16,481, an error was discovered in the legal description of the vacated right-of-way leading to the need to repeal said ordinance and pass a new ordinance to vacate the properly described right-of-way and to correct release of the Permanent Easement for Public Right of Way ("Easement") on said property.

WHEREAS, on September 8, 2025, by Roll Call No. 25-1211, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed repeal of Ordinance No. 16,481, corrected vacation of public right-of-way and corrected release of Easement be set down for hearing on September 29, 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 repeal Ordinance No. 16,481 and to correct the vacation of the public right-of-way and correct the release of Easement 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 repeal of Ordinance No. 16,481 and vacation and release of easement, 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed repeal of Ordinance No. 16,481 and the vacation of two irregular shaped segments of undeveloped right-of-way located in the vicinity of 6200 Scout Trail, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the public right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of two irregular shaped segments of undeveloped right-of-way located in the vicinity of 6200 Scout Trail, legally described as follows, and said repeal of Ordinance No. 16,481 and vacation of public right-of-way is hereby approved:

Date September 29, 2025

A PORTION OF A 60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY EASEMENT (e) IN LOT 1, AIRPORT INDUSTRIAL PARK PLAT 3, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NE CORNER OF SAID LOT 1; THENCE S89°57'51"W, 296.72 FEET ALONG THE NORTH LINE OF SAID LOT 1 TO THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 540.00 FEET AND A CHORD BEARING S79°36'59"W, AN ARC LENGTH OF 307.01 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE N42°14'42"E, 73.54 FEET ALONG THE NORTH LINE OF SAID LOT 1 TO A POINT; THENCE N89°57'51"E, 248.50 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING

AND

COMMENCING AS A POINT OF REFERENCE AT THE NE CORNER OF SAID LOT 1; THENCE S89°57'51"W, 545.22 FEET ALONG THE NORTH LINE OF SAID LOT 1 TO A POINT; THENCE S42°14'42"W, 85.63 FEET ALONG SAID NORTH LINE TO A POINT; THENCE N56°17'08"W, 10.21 FEET ALONG SAID NORTH LINE TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 910.00 FEET AND A CHORD BEARING N56°40'19"W, AN ARC LENGTH OF 12.28 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 510.00 FEET AND A CHORD BEARING N74°06'50"W, AN ARC LENGTH OF 133.95 FEET TO A POINT THAT COINCIDES WITH SAID NORTH LINE OF LOT 1; THENCE N24°35'47"E, 29.87 FEET ALONG SAID COINCIDING LINE TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE SOUTHEASTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 910.00 FEET AND A CHORD BEARING S61°13'52"E, AN ARC LENGTH OF 132.54 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

3. The Corrected Release of Easement releasing the Permanent Easement for Public Right of Way in such vacated public right-of-way is hereby approved, subject to reservation of an easement for all existing utilities.
4. The Mayor is authorized and directed to sign the Corrected Release of Easement, as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon final passage of an ordinance vacating said right-of-way, the City Clerk is authorized and directed to forward the original of the Corrected Release of Easement, together with a certified copy of this

Date September 29, 2025

resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Corrected Release of Easement, together with 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 these documents to be recorded.

7. There will be no proceeds associated with the conveyance of this easement.

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				
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.

Laura Baumgartner, City Clerk

