



Date November 17, 2025

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SET HEARING FOR VACATION OF SURFACE RIGHTS WITHIN A PORTION OF SW 8TH STREET RIGHT-OF-WAY ADJOINING 4601 SW 9TH STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR SURFACE BUILDING ENCROACHMENT ON CITY-OWNED PROPERTY TO C & E RENTALS LLC FOR \$450

WHEREAS, C & E Rentals LLC, the owner of 4601 SW 9th Street, Des Moines, Iowa has requested that the City of Des Moines, Iowa ("City") vacate surface rights within a portion of SW 8th Street right-of-way adjoining 4601 SW 9th Street, which request was not presented to the City's Plan and Zoning Commission for review and has instead been determined by the City Traffic Engineer to have no significant impact upon the public use of the right-of-way, in accordance with Municipal Code 102-286(b); and

WHEREAS, C & E Rentals LLC has offered to the City the purchase price of \$450.00 for the purchase of a Permanent Easement for Surface Building Encroachment on City-Owned Property ("Easement") over, through and across a portion of SW 8th Street right-of-way adjoining 4601 SW 9th Street (hereinafter "Easement Area") for the purpose of operating, maintaining and repairing building encroachment for the building currently located on the property, which price reflects the fair market value of the Easement as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the street right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation of said property and the conveyance of the Easement in such vacated right-of-way.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating surface rights within a portion of SW 8th Street right-of-way adjoining 4601 SW 9th Street, Des Moines, Iowa, legally described as follows:

A PART OF LOT D IN WHISPERING PINES, AN OFFICIAL PLAT, NOW INCLUDING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY IOWA, IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY CORNER OF THE NORTHWEST CORNER OF SAID LOT D; THENCE SOUTH 89°43'09" EAST, A DISTANCE OF 24.97 FEET ALONG THE NORTH LINE OF SAID LOT D; THENCE SOUTH 00°12'45" WEST, A DISTANCE OF 24.97 FEET; THENCE ALONG A CURVE WITH AN ARC LENGTH OF 39.24 FEET, A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 89°55'54", A CHORD LENGTH OF 35.33 FEET, A CHORD DIRECTION OF NORTH 44°45'12" WEST, AND A TANGENT OF 24.97 FEET TO THE NORTH LINE OF SAID LOT D AND TO THE POINT OF BEGINNING.

CONTAINING 134 SQUARE FEET, MORE OR LESS.

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2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Surface Building Encroachment on City-Owned in such vacated right-of-way, as legally described below, to C & E Rentals LLC for \$450.00, subject to any and all easements, restrictions and covenants of record:

A PART OF LOT D IN WHISPERING PINES, AN OFFICIAL PLAT, NOW INCLUDING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY IOWA, IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY CORNER OF THE NORTHWEST CORNER OF SAID LOT D; THENCE SOUTH 89°43'09" EAST, A DISTANCE OF 24.97 FEET ALONG THE NORTH LINE OF SAID LOT D; THENCE SOUTH 00°12'45" WEST, A DISTANCE OF 24.97 FEET; THENCE ALONG A CURVE WITH AN ARC LENGTH OF 39.24 FEET, A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 89°55'54", A CHORD LENGTH OF 35.33 FEET, A CHORD DIRECTION OF NORTH 44°45'12" WEST, AND A TANGENT OF 24.97 FEET TO THE NORTH LINE OF SAID LOT D AND TO THE POINT OF BEGINNING.

CONTAINING 134 SQUARE FEET, MORE OR LESS.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on December 8, 2025, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal, and any other(s) submitted prior to or during the public hearing. Persons interested in the proposal will be given the opportunity to express their views at that hearing.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.



Roll Call Number

Agenda Item Number

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Moved by _____ to adopt. Second by _____

APPROVED AS TO FORM:

/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

Laura Baumgartner, City Clerk

