



**Roll Call Number**

**Agenda Item Number**

38 A

**Date** April 20, 2026

An Ordinance entitled, "AN ORDINANCE vacating air rights in portions of East 16th Street and East Grand Avenue right-of-way adjoining 1600 East Grand Avenue, 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/ Chas M. Cahill  
Chas M. Cahill  
Assistant City Attorney

**CERTIFICATE**

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
BARRON				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	

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.

\_\_\_\_\_  
Mayor

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

Prepared by: Chas M. Cahill, Assistant City Attorney, 1200 Locust Street, Des Moines, Iowa 50309 (515) 283-4533  
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

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

AN ORDINANCE vacating air rights in portions of East 16th Street and East Grand Avenue right-of-way adjoining 1600 East Grand Avenue, 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 air rights in portions of East 16th Street and East Grand Avenue right-of-way adjoining 1600 East Grand Avenue, Des Moines, Iowa, more specifically described as follows, be and is hereby vacated:

VACATION EXHIBIT "A":

A PART OF THE E 16TH STREET RIGHT-OF-WAY, ADJOINING THE WEST PROPERTY LINE OF LOT 1, BLOCK 58, STEWART'S ADDITION TO THE CITY OF DES MOINES, POLK COUNTY IOWA, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH 125.0 FEET OF SAID LOT 1; THENCE SOUTH 14°53'24" EAST, 59.67 FEET ALONG THE WEST PROPERTY LINE, TO THE POINT OF BEGINNING; THENCE SOUTH 25°06'36" WEST, 2.59 FEET; THENCE SOUTH 14°53'24" EAST, 4.69 FEET; THENCE SOUTH 54°53'24" EAST, 2.59 FEET; NORTH 14°53' 24" WEST, 8.67 FEET TO THE BEGINNING, AFTERWARDS AND CONTAINING 11.13 SQUARE FEET.

APPROXIMATE ELEVATION ABOVE GROUND TO THE BOTTOM OF THE BAY WINDOW IS 14.22' FEET WITH THE TOP OF THE BUMP OUT ARE

APPROXIMATELY 12.44' ABOVE THAT. ELEVATIONS ARE NOTED FROM GRADE.

VACATION EXHIBIT "B":

A PART OF THE E GRAND AVENUE RIGHT-OF-WAY, ADJOINING THE SOUTH PROPERTY LINE OF LOT 1, BLOCK 58, STEWART'S ADDITION TO THE CITY OF DES MOINES, POLK COUNTY IOWA, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 75°06'36" EAST, 11.33 FEET, ALONG THE SOUTH PROPERTY LINE, TO THE POINT OF BEGINNING; THENCE SOUTH 69°53'24" EAST, 2.62 FEET; THENCE NORTH 75°06'36" EAST, 5.05 FEET; THENCE NORTH 40°06'36" EAST, 2.62 FEET; SOUTH 75°06' 36" WEST, 9.33 FEET, TO THE BEGINNING, AFTERWARDS AND CONTAINING 10.79 SQUARE FEET.

APPROXIMATE ELEVATION ABOVE GROUND TO THE BOTTOM OF THE BAY WINDOW IS 14.38' FEET WITH THE TOP OF THE BUMP OUT ARE APPROXIMATELY 12.44' ABOVE THAT. ELEVATIONS ARE NOTED FROM GRADE.

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/ Chas M. Cahill

Chas M. Cahill  
Assistant City Attorney

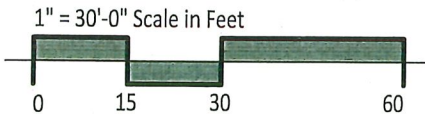
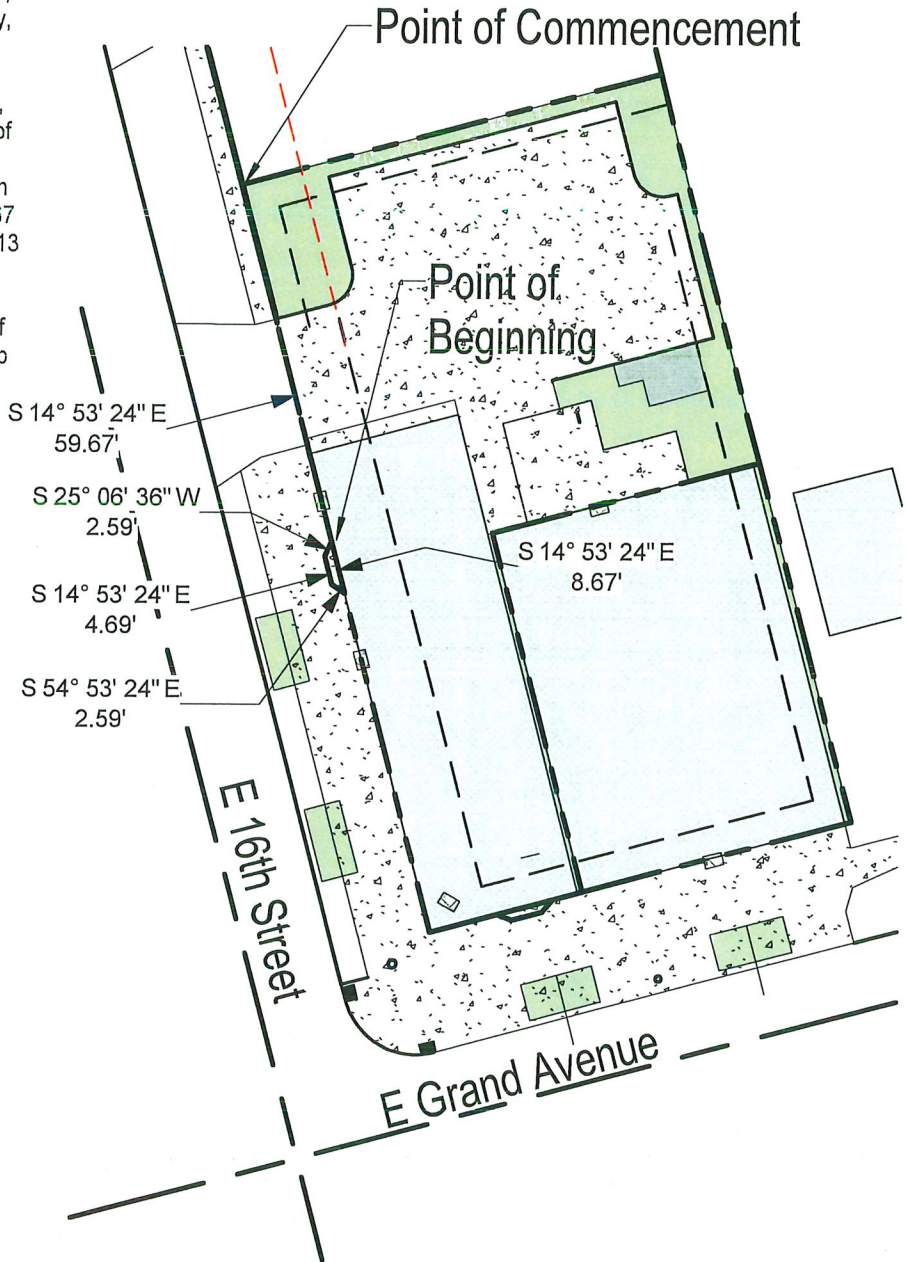
# Vacation Exhibit 'A' Vacation of Air Rights

**Vacation of Air Rights Description:**

A part of the E 16th Street Right-of-Way, adjoining the West property line of Lot 1, Block 58, Stewart's Addition to the City of Des Moines, Polk County Iowa, an official plat in the City of Des Moines, Polk County, Iowa and more particularly described as follows: Commencing at the Northwest corner of the South 125.0 feet of said lot 1; thence South 14°53'24" East, 59.67 feet along the West property line, to the point of beginning; thence South 25°06'36" West, 2.59 feet; thence South 14°53'24" East, 4.69 feet; thence South 54°53'24" East, 2.59 feet; North 14°53' 24" West, 8.67 feet to the Beginning, afterwards and containing 11.13 square feet.

**Owner:** \_\_\_\_\_  
City of Des Moines

Approximate elevation above ground to the bottom of the bay window is 14.22' feet with the top of the bump out are approximately 12.44' above that. Elevations are noted from grade.



## Right of Way Vacation - E 16th Street

1" = 30'-0"

ECS 3-10-2026

E101a

SHEET: 8 1/2"x11size

Apartment Plans  
Vacation of Air Rights

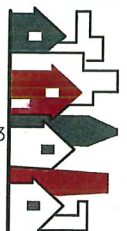
1604 E Grand Avenue, 509 E 16th Street, 1600 E Grand Avenue | Des Moines, Iowa 50316

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Creative Concepts  
Architecture, PLC

2201 W 1st Street Suite C | Ankeny, Iowa 50023  
515 230 1358 matt@creativeconceptsarch.com



# Vacation Exhibit 'B' Vacation of Air Rights

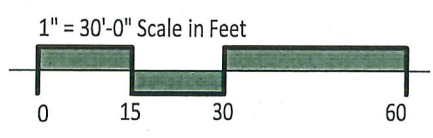
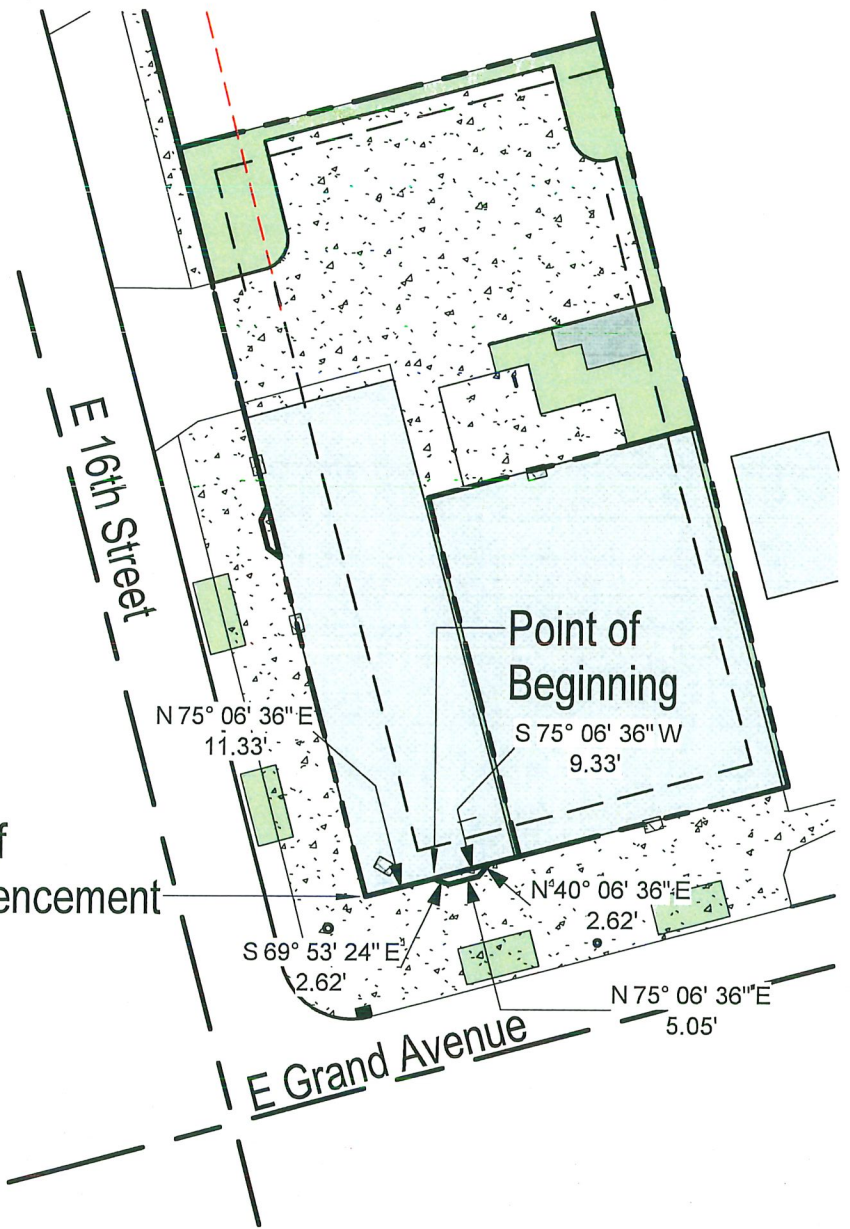
**Vacation of Air Rights Description:**

A part of the E Grand Avenue Right-of-Way, adjoining the South property line of Lot 1, Block 58, Stewart's Addition to the City of Des Moines, Polk County Iowa, an official plat in the City of Des Moines, Polk County, Iowa and more particularly described as follows: Commencing at the Southwest corner of said Lot 1; thence North 75°06'36" East, 11.33 feet, along the South property line, to the Point of Beginning; thence South 69°53'24" East, 2.62 feet; thence North 75°06'36" East, 5.05 feet; thence North 40°06'36" East, 2.62 feet; South 75°06'36" West, 9.33 feet, to the Beginning, afterwards and containing 10.79 square feet.

**Owner:**

City of Des Moines

Approximate elevation above ground to the bottom of the bay window is 14.38' feet with the top of the bump out are approximately 12.44' above that. Elevations are noted from grade.



## Right of Way Vacation - E Grand Avenue

1" = 30'-0"

E18 3-10-2026

SHEET:  
**E102a**  
 8 1/2" x 11" size

**Apartment Plans**  
**Vacation of Air Rights**

1604 E Grand Avenue, 509 E 16th Street, 1600 E  
 Grand Avenue | Des Moines, Iowa 50316

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**Creative Concepts**  
**Architecture, PLC**

2201 W 1st Street Suite C | Ankeny, Iowa 50023  
 515 230 1358 matt@creativeconceptsarch.com



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