

Date May 4, 2026

**HOLD HEARING FOR VACATION AND CONVEYANCE OF SUBSURFACE AND AIR RIGHTS EASEMENTS WITHIN PORTIONS OF EAST 2<sup>ND</sup> STREET, EAST COURT AVENUE, AND EAST 3<sup>RD</sup> STREET TO RIVERVIEW PARKING, LLC FOR \$38,100**

**WHEREAS**, Riverview Parking, LLC, the owner of 200 East Court Avenue, Des Moines, Iowa, has requested that the City of Des Moines, Iowa (“City”) vacate subsurface and air rights in portions of East 2<sup>nd</sup> Street, East Court Avenue, and East 3<sup>rd</sup> Street right-of-way adjoining 200 East Court Avenue, 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**, Riverview Parking, LLC has offered to the City the purchase price of \$38,100.00 for the purchase of a Permanent Easement for Subsurface Building Encroachment on City-Owned Property and a Permanent Easement for Air Space Above City-Owned Property (“Easements”) over, through and across portions of East 2<sup>nd</sup> Street, East Court Avenue, and East 3<sup>rd</sup> Street right-of-way adjoining 200 East Court Avenue (hereinafter “Easement Area”) for the purpose of constructing, operating, maintaining and repairing architectural elements and footing encroachments for the parking building being constructed on the property, which price reflects the fair market value of the Easements 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 public will not be inconvenienced by the vacation of said property and the conveyance of the Easements in such vacated right-of-way; and

**WHEREAS**, on April 20, 2026 by Roll Call No. 26-0492, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of right-of-way and the conveyance of a Permanent Easement for Subsurface Building Encroachment on City-Owned Property and a Permanent Easement for Air Space Above City-Owned Property be set for hearing on May 4, 2026, at 5:00 p.m., in the City Council Chamber, T.M. Franklin Cownie City Administration Building, 1200 Locust Street, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal to vacate right-of-way and convey the Easements 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 and conveyance, 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 vacation of subsurface and air rights within portions of East 2<sup>nd</sup> Street, East Court

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Avenue, and East 3<sup>rd</sup> Street right-of-way adjoining 200 East Court Avenue, 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 subsurface and air rights within portions of East 2<sup>nd</sup> Street, East Court Avenue, and East 3<sup>rd</sup> Street right-of-way adjoining 200 East Court Avenue, legally described as follows, and said vacation is hereby approved:

SUBSURFACE RIGHTS

EXHIBIT A:

PART OF E COURT AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK H IN SCOTT & DEAN’S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK H IN SCOTT & DEAN’S ADDITION; THENCE NORTH 74°57’49” EAST, 279.88 FEET ALONG THE SOUTH LINE OF SAID BLOCK H TO THE SOUTHEAST CORNER OF LOT 10 IN SAID BLOCK H IN SCOTT & DEAN’S ADDITION; THENCE CONTINUING NORTH 74°57’49” EAST, 3.95 FEET; THENCE SOUTH 14°54’44” EAST, 4.06 FEET; THENCE SOUTH 75°05’16” WEST, 10.83 FEET; THENCE NORTH 14°54’44” WEST, 2.22 FEET; THENCE SOUTH 75°05’16” WEST, 26.89 FEET; THENCE SOUTH 14°54’44” EAST, 2.79 FEET; THENCE SOUTH 75°05’16” WEST, 20.33 FEET; THENCE NORTH 14°54’44” WEST, 2.79 FEET; THENCE SOUTH 75°05’16” WEST, 27.67 FEET; THENCE SOUTH 14°54’44” EAST, 2.79 FEET; THENCE SOUTH 75°05’16” WEST, 20.33 FEET; THENCE NORTH 14°54’44” WEST, 2.79 FEET; THENCE SOUTH 75°05’16” WEST, 27.67 FEET; THENCE SOUTH 14°54’44” EAST, 2.79 FEET; THENCE SOUTH 75°05’16” WEST, 20.33 FEET; THENCE NORTH 14°54’44” WEST, 2.79 FEET; THENCE SOUTH 75°05’16” WEST, 27.67 FEET; THENCE SOUTH 14°54’44” EAST, 2.79 FEET; THENCE SOUTH 75°05’16” WEST, 20.33 FEET; THENCE NORTH 14°54’44” WEST, 2.79 FEET; THENCE SOUTH 75°05’16” WEST, 26.89 FEET; THENCE SOUTH 14°54’44” EAST, 2.22 FEET; THENCE SOUTH 75°05’16” WEST, 10.83 FEET; THENCE NORTH 14°54’44” WEST, 3.44 FEET; THENCE NORTH 74°57’49” EAST, 3.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 773 SQUARE FEET.

AND

PART OF E 2<sup>ND</sup> STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN’S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN’S ADDITION; THENCE SOUTH 14°53’33” EAST, 132.09 FEET ALONG THE WEST LINE

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OF SAID LOT 5 TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 74°57'49"W, 3.95 FEET; THENCE NORTH 14°54'44" WEST, 7.40 FEET; THENCE NORTH 75°05'16" EAST, 2.05 FEET; THENCE NORTH 14°54'44" WEST, 46.80 FEET; THENCE SOUTH 75°05'16" WEST, 2.63 FEET; THENCE NORTH 14°54'44" WEST, 20.33 FEET; THENCE NORTH 75°05'16" EAST, 2.63 FEET; THENCE NORTH 14°54'44" WEST, 25.52 FEET; THENCE SOUTH 75°05'16" WEST, 2.79 FEET; THENCE NORTH 14°54'44" WEST, 10.83 FEET; THENCE NORTH 75°05'16" EAST, 3.54 FEET; THENCE NORTH 14°54'44" WEST, 10.45 FEET; THENCE SOUTH 75°05'16" WEST, 2.80 FEET; THENCE NORTH 14°54'44" WEST, 10.76 FEET; THENCE NORTH 75°05'16" EAST, 3.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 366 SQUARE FEET.

AND

PART OF E 3<sup>RD</sup> STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 14°54'57" WEST, 131.55 FEET ALONG THE EAST LINE OF SAID LOT 10; THENCE NORTH 75°05'16" EAST, 3.95 FEET; THENCE SOUTH 14°54'44" EAST, 10.83 FEET; THENCE SOUTH 75°05'16" WEST, 2.80 FEET; THENCE SOUTH 14°54'44" EAST, 10.82 FEET; THENCE NORTH 75°05'16" EAST, 3.54 FEET; THENCE SOUTH 14°54'44" EAST, 10.83 FEET; THENCE SOUTH 75°05'16" WEST, 2.79 FEET; THENCE SOUTH 14°54'44" EAST, 25.15 FEET; THENCE NORTH 75°05'16" EAST, 2.63 FEET; THENCE SOUTH 14°54'44" EAST, 20.33 FEET; THENCE SOUTH 75°05'16" WEST, 2.63 FEET; THENCE SOUTH 14°54'44" EAST, 46.80 FEET; THENCE NORTH 75°05'16" EAST, 2.05 FEET; THENCE SOUTH 14°54'44" EAST, 6.77 FEET; THENCE SOUTH 74°57'49" WEST, 3.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 361 SQUARE FEET.

AIR RIGHTS

EXHIBIT B:

PART OF E COURT AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 74°57'49" EAST, 279.88 FEET ALONG THE SOUTH LINE OF SAID BLOCK H TO THE SOUTHEAST CORNER OF LOT 10 IN SAID BLOCK H; THENCE CONTINUING NORTH 74°57'49" EAST, 1.06 FEET; THENCE SOUTH 14°54'44" EAST, 1.17 FEET; THENCE SOUTH 75°05'16" WEST, 282.00 FEET; THENCE NORTH 14°54'44" WEST, 0.56 FEET; THENCE NORTH 74°57'49" EAST, 1.06 FEET TO THE POINT OF BEGINNING.

.....  
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LYING BETWEEN ELEVATIONS 813.50 AND 814.30 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 244 SQUARE FEET.

AND

PART OF E 2<sup>ND</sup> STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 74°57'49" WEST, 1.06 FEET; THENCE NORTH 14°54'44" WEST, 108.44 FEET; THENCE NORTH 75°05'16" EAST, 1.10 FEET TO THE WEST LINE OF SAID LOT 5; THENCE SOUTH 14°53'33" EAST, 108.44 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 813.50 AND 814.30 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 117 SQUARE FEET.

AND

PART OF E 3<sup>RD</sup> STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 14°54'57" WEST, 107.83 FEET ALONG THE EAST LINE OF SAID LOT 10; THENCE NORTH 75°05'16" EAST, 1.07 FEET; THENCE SOUTH 14°54'44" EAST, 107.83 FEET; THENCE SOUTH 74°57'49" WEST, 1.06 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 813.50 AND 814.30 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 115 SQUARE FEET.

AND

PART OF E COURT AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 74°57'49" EAST, 279.88 FEET ALONG THE SOUTH

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LINE OF SAID BLOCK H TO THE SOUTHEAST CORNER OF LOT 10 IN SAID BLOCK H; THENCE CONTINUING NORTH 74°57'49" EAST, 2.89 FEET; THENCE SOUTH 14°54'44" EAST, 3.01 FEET; THENCE SOUTH 75°05'16" WEST, 285.67 FEET; THENCE NORTH 14°54'44" WEST, 2.39 FEET; THENCE NORTH 74°57'49" EAST, 2.89 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 834.80 AND 835.65 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 770 SQUARE FEET.

AND

PART OF E 2<sup>ND</sup> STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 74°57'49" WEST, 2.89 FEET; THENCE NORTH 14°54'44" WEST, 108.45 FEET; THENCE NORTH 75°05'16" EAST, 2.93 FEET TO THE WEST LINE OF SAID LOT 5; THENCE SOUTH 14°53'33" EAST, 108.44 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 834.80 AND 835.65 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 316 SQUARE FEET.

AND

PART OF E 3<sup>RD</sup> STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 14°54'57" WEST, 107.83 FEET ALONG THE EAST LINE OF SAID LOT 10; THENCE NORTH 75°05'16" EAST, 2.90 FEET; THENCE SOUTH 14°54'44" EAST, 107.83 FEET; THENCE SOUTH 74°57'49" WEST, 2.89 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 834.80 AND 835.65 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 312 SQUARE FEET.

AND

PART OF E 2<sup>ND</sup> STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND

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FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 14°53'33" EAST, 0.98 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 14°53'33" EAST, 26.30 FEET ALONG THE WEST LINE OF SAID LOT 5; THENCE SOUTH 75°05'16" WEST, 2.93 FEET; THENCE NORTH 14°54'44" WEST, 26.30 FEET; THENCE NORTH 75°05'16" EAST, 2.94 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 845.15 AND 846.35 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 77 SQUARE FEET.

AND

PART OF E 3<sup>RD</sup> STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 14°54'57" EAST, 1.71 FEET ALONG THE EAST LINE OF SAID LOT 10 TO THE POINT OF BEGINNING; THENCE NORTH 75°05'16" EAST, 2.90 FEET; THENCE SOUTH 14°54'44" EAST, 26.30 FEET; THENCE SOUTH 75°05'16" WEST, 2.90 FEET TO THE EAST LINE OF SAID LOT 10; THENCE NORTH 14°54'57" WEST, 26.30 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 841.70 AND 842.90 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 77 SQUARE FEET.

- 3. The proposed conveyance of the Permanent Easement for Subsurface Building Encroachment on City-Owned Property and a Permanent Easement for Air Space Above City-Owned Property in such vacated right-of-way, as legally described below, to Riverview Parking, LLC for \$38,100.00, subject to any and all easements, restrictions and covenants of record, is hereby approved:

**PERMANENT EASEMENT FOR SUBSURFACE BUILDING ENCROACHMENT ON CITY-OWNED PROPERTY**

**EXHIBIT A:**

PART OF VACATED E COURT AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 74°57'49" EAST, 279.88 FEET ALONG THE SOUTH LINE OF SAID BLOCK H TO THE SOUTHEAST CORNER OF LOT 10 IN SAID BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE CONTINUING NORTH 74°57'49" EAST, 3.95 FEET; THENCE SOUTH 14°54'44" EAST, 4.06 FEET; THENCE SOUTH 75°05'16" WEST, 10.83 FEET; THENCE NORTH 14°54'44" WEST, 2.22 FEET; THENCE SOUTH 75°05'16" WEST, 26.89 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 26.89 FEET; THENCE SOUTH 14°54'44" EAST, 2.22 FEET; THENCE SOUTH 75°05'16" WEST, 10.83 FEET; THENCE NORTH 14°54'44" WEST, 3.44 FEET; THENCE NORTH 74°57'49" EAST, 3.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 773 SQUARE FEET.

AND

PART OF VACATED E 2<sup>ND</sup> STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 14°53'33" EAST, 132.09 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 74°57'49"W, 3.95 FEET; THENCE NORTH 14°54'44" WEST, 7.40 FEET; THENCE NORTH 75°05'16" EAST, 2.05 FEET; THENCE NORTH 14°54'44" WEST, 46.80 FEET; THENCE SOUTH 75°05'16" WEST, 2.63 FEET; THENCE NORTH 14°54'44" WEST, 20.33 FEET; THENCE NORTH 75°05'16" EAST, 2.63 FEET; THENCE NORTH 14°54'44" WEST, 25.52 FEET; THENCE SOUTH 75°05'16" WEST, 2.79 FEET; THENCE NORTH 14°54'44" WEST, 10.83 FEET; THENCE NORTH 75°05'16" EAST, 3.54 FEET; THENCE NORTH 14°54'44" WEST, 10.45 FEET; THENCE SOUTH 75°05'16" WEST, 2.80 FEET; THENCE NORTH 14°54'44" WEST, 10.76 FEET; THENCE NORTH 75°05'16" EAST, 3.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 366 SQUARE FEET.

AND

PART OF VACATED E 3<sup>RD</sup> STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN

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AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 14°54'57" WEST, 131.55 FEET ALONG THE EAST LINE OF SAID LOT 10; THENCE NORTH 75°05'16" EAST, 3.95 FEET; THENCE SOUTH 14°54'44" EAST, 10.83 FEET; THENCE SOUTH 75°05'16" WEST, 2.80 FEET; THENCE SOUTH 14°54'44" EAST, 10.82 FEET; THENCE NORTH 75°05'16" EAST, 3.54 FEET; THENCE SOUTH 14°54'44" EAST, 10.83 FEET; THENCE SOUTH 75°05'16" WEST, 2.79 FEET; THENCE SOUTH 14°54'44" EAST, 25.15 FEET; THENCE NORTH 75°05'16" EAST, 2.63 FEET; THENCE SOUTH 14°54'44" EAST, 20.33 FEET; THENCE SOUTH 75°05'16" WEST, 2.63 FEET; THENCE SOUTH 14°54'44" EAST, 46.80 FEET; THENCE NORTH 75°05'16" EAST, 2.05 FEET; THENCE SOUTH 14°54'44" EAST, 6.77 FEET; THENCE SOUTH 74°57'49" WEST, 3.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 361 SQUARE FEET.

**PERMANENT EASEMENT FOR AIR SPACE ABOVE CITY-OWNED PROPERTY**

**EXHIBIT A:**

PART OF VACATED E COURT AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 74°57'49" EAST, 279.88 FEET ALONG THE SOUTH LINE OF SAID BLOCK H TO THE SOUTHEAST CORNER OF LOT 10 IN SAID BLOCK H; THENCE CONTINUING NORTH 74°57'49" EAST, 1.06 FEET; THENCE SOUTH 14°54'44" EAST, 1.17 FEET; THENCE SOUTH 75°05'16" WEST, 282.00 FEET; THENCE NORTH 14°54'44" WEST, 0.56 FEET; THENCE NORTH 74°57'49" EAST, 1.06 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 813.50 AND 814.30 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 244 SQUARE FEET.

AND

PART OF VACATED E 2<sup>ND</sup> STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 74°57'49" WEST, 1.06 FEET; THENCE NORTH 14°54'44" WEST, 108.44 FEET; THENCE NORTH 75°05'16" EAST, 1.10 FEET TO THE WEST

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LINE OF SAID LOT 5; THENCE SOUTH 14°53'33" EAST, 108.44 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 813.50 AND 814.30 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 117 SQUARE FEET.

AND

PART OF VACATED E 3<sup>RD</sup> STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 14°54'57" WEST, 107.83 FEET ALONG THE EAST LINE OF SAID LOT 10; THENCE NORTH 75°05'16" EAST, 1.07 FEET; THENCE SOUTH 14°54'44" EAST, 107.83 FEET; THENCE SOUTH 74°57'49" WEST, 1.06 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 813.50 AND 814.30 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 115 SQUARE FEET.

EXHIBIT B:

PART OF VACATED E COURT AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 74°57'49" EAST, 279.88 FEET ALONG THE SOUTH LINE OF SAID BLOCK H TO THE SOUTHEAST CORNER OF LOT 10 IN SAID BLOCK H; THENCE CONTINUING NORTH 74°57'49" EAST, 2.89 FEET; THENCE SOUTH 14°54'44" EAST, 3.01 FEET; THENCE SOUTH 75°05'16" WEST, 285.67 FEET; THENCE NORTH 14°54'44" WEST, 2.39 FEET; THENCE NORTH 74°57'49" EAST, 2.89 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 834.80 AND 835.65 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 770 SQUARE FEET.

AND

PART OF VACATED E 2<sup>ND</sup> STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Date May 4, 2026

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 74°57'49" WEST, 2.89 FEET; THENCE NORTH 14°54'44" WEST, 108.45 FEET; THENCE NORTH 75°05'16" EAST, 2.93 FEET TO THE WEST LINE OF SAID LOT 5; THENCE SOUTH 14°53'33" EAST, 108.44 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 834.80 AND 835.65 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 316 SQUARE FEET.

AND

PART OF VACATED E 3<sup>RD</sup> STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 14°54'57" WEST, 107.83 FEET ALONG THE EAST LINE OF SAID LOT 10; THENCE NORTH 75°05'16" EAST, 2.90 FEET; THENCE SOUTH 14°54'44" EAST, 107.83 FEET; THENCE SOUTH 74°57'49" WEST, 2.89 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 834.80 AND 835.65 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 312 SQUARE FEET.

EXHIBIT C:

PART OF VACATED E 2<sup>ND</sup> STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 14°53'33" EAST, 0.98 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 14°53'33" EAST, 26.30 FEET ALONG THE WEST LINE OF SAID LOT 5; THENCE SOUTH 75°05'16" WEST, 2.93 FEET; THENCE NORTH 14°54'44" WEST, 26.30 FEET; THENCE NORTH 75°05'16" EAST, 2.94 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 845.15 AND 846.35 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 77 SQUARE FEET.

AND

Date May 4, 2026

PART OF VACATED E 3<sup>RD</sup> STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 14°54'57" EAST, 1.71 FEET ALONG THE EAST LINE OF SAID LOT 10 TO THE POINT OF BEGINNING; THENCE NORTH 75°05'16" EAST, 2.90 FEET; THENCE SOUTH 14°54'44" EAST, 26.30 FEET; THENCE SOUTH 75°05'16" WEST, 2.90 FEET TO THE EAST LINE OF SAID LOT 10; THENCE NORTH 14°54'57" WEST, 26.30 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 841.70 AND 842.90 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3<sup>RD</sup> STREET). HORIZONTALLY CONTAINING 77 SQUARE FEET.

4. The Mayor is authorized and directed to sign the Offer to Purchase, the Permanent Easement for Subsurface Building Encroachment on City-Owned Property and the Permanent Easement for Air Space Above City-Owned Property, as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.
6. Upon proof of payment of the consideration, plus \$400.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Permanent Easement for Subsurface Building Encroachment on City-Owned Property and the Permanent Easement for Air Space Above City-Owned Property, together with a certified copy of this 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.
7. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Easement for Subsurface Building Encroachment on City-Owned Property and the Permanent Easement for Air Space Above City-Owned Property, 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.
8. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Permanent Easement for Subsurface Building Encroachment on City-Owned Property and the Permanent Easement for Air Space Above City-Owned Property and a copy of the other documents to the grantee.
9. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

.....  
**Date** May 4, 2026.....

Moved by \_\_\_\_\_ to adopt. Second by \_\_\_\_\_.

APPROVED AS TO FORM:

/s/ Emily Duffy  
 Emily Duffy, Assistant City Attorney

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

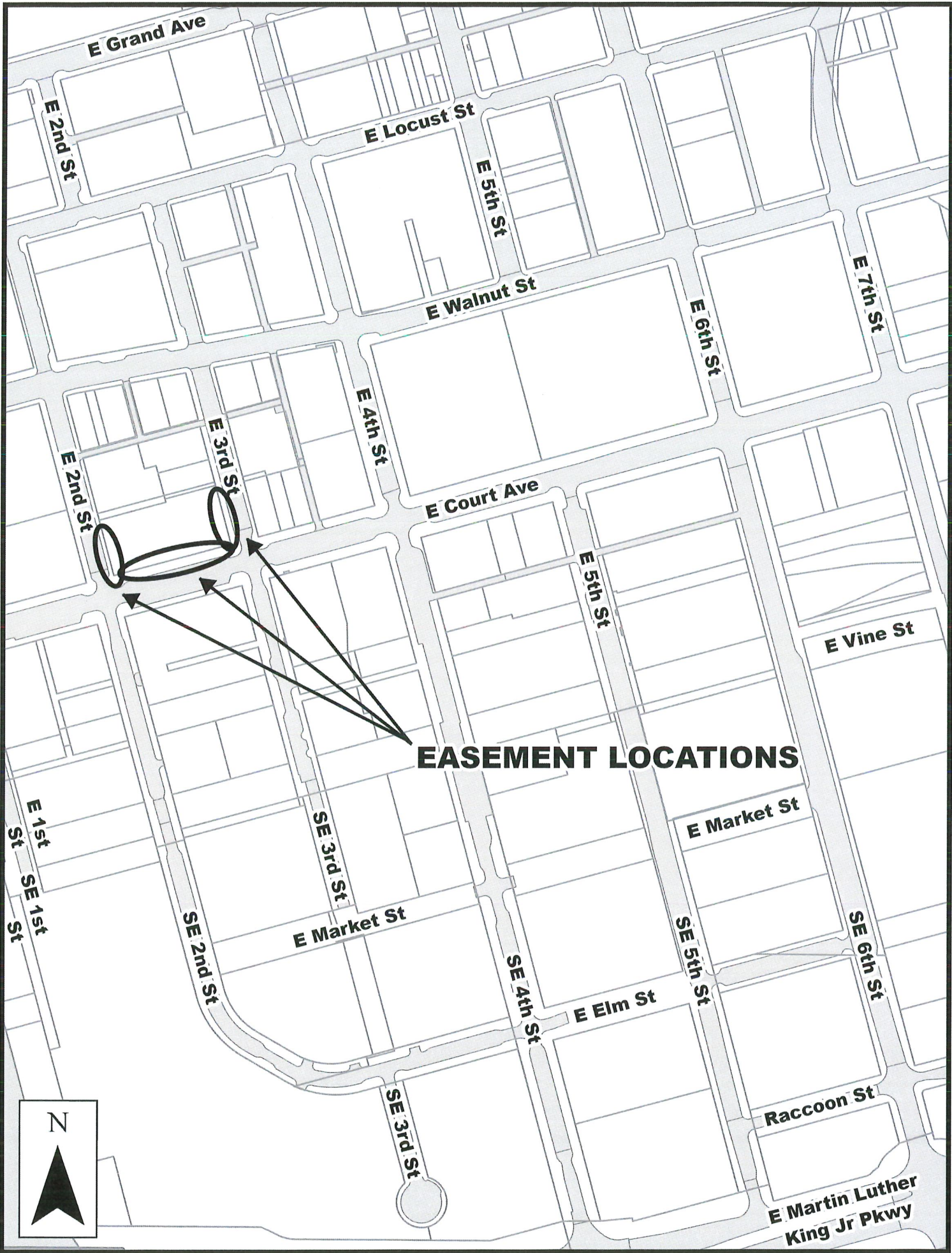
**CERTIFICATE**

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.

MOTION CARRIED APPROVED  
 \_\_\_\_\_ Mayor

\_\_\_\_\_  
 Laura Baumgartner, City Clerk



**EASEMENT LOCATIONS**

