



**Roll Call Number**

**Agenda Item Number**

**37**

**Date** July 13, 2026

An Ordinance entitled, "AN ORDINANCE vacating a portion of the right-of-way adjoining 1804 41<sup>st</sup> Street and 1810 Beaver Avenue",

which was considered and voted upon under Roll Call No. 26-\_\_\_\_\_ of June 29, 2026; again presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given second vote for passage.

Second by \_\_\_\_\_.

(Second of three required readings)

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

**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.

\_\_\_\_\_  
Mayor

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

Prepared by: Grant Hyland, Assistant City Attorney, 1200 Locust Street, Des Moines, Iowa 50309 (515) 283-4535  
Return to: City Clerk's Office, 1200 Locust Street, Des Moines, Iowa 50309

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

AN ORDINANCE vacating portion of the right-of-way adjoining 1804 41<sup>st</sup> Street and 1810 Beaver Avenue.

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 portion of the right-of-way adjoining 1804 41<sup>st</sup> Street and 1810 Beaver Avenue, more specifically described as follows, be and is hereby vacated:

A PART OF 41ST STREET AND A PART OF LOT 1, VOTRUBA PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 5, HAZEL WOOD, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 0°(DEGREES) 32'(MINUTES) 56"(SECONDS) WEST ALONG THE EAST LINE OF SAID LOT, 50.00 FEET; THENCE NORTH 89°39'30" EAST ALONG A LINE BEING 50.00 FEET NORTH OF AND PARALLEL TO THE EXTENDED SOUTH LINE OF SAID LOT 5, A DISTANCE OF 27.05 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 30.00 FEET, WHOSE ARC LENGTH IS 24.07 FEET AND WHOSE CHORD BEARS NORTH 66°40'13" EAST, 23.43 FEET; THENCE NORTH 43°40'56" EAST, 5.63 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 181.00 FEET, WHOSE ARC LENGTH IS 9.31 FEET AND WHOSE CHORD BEARS SOUTH 47°47'26" EAST, 9.30 FEET TO A POINT

BEING 1.00 FEET SOUTHWESTERLY OF AND PERPENDICULAR TO THE EXTENDED NORTHEASTERLY LINE OF SAID LOT 1; THENCE SOUTH 49°01'27" EAST ALONG A LINE BEING 1.00 FEET SOUTHWESTERLY OF AND PARALLEL TO SAID NORTHEASTERLY LINE, 46.83 FEET; THENCE SOUTH 40°58'33" WEST, 52.93 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 230.00 FEET, WHOSE ARC LENGTH IS 10.33 FEET AND WHOSE CHORD BEARS SOUTH 39°41'23" WEST, 10.33 FEET; THENCE NORTH 51°35'47" WEST, 22.32 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 35.00 FEET, WHOSE ARC LENGTH IS 23.67 FEET AND WHOSE CHORD BEARS NORTH 70°58'09" WEST, 23.22 FEET TO A POINT ON THE PROJECTED SOUTH LINE OF SAID LOT 5; THENCE SOUTH 89°39'30" WEST, 13.49 FEET TO THE POINT OF BEGINNING AND CONTAINING 4809 SQUARE FEET.

AND

A PART OF 41ST STREET AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF LOT 5, HAZELWOOD, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, WHICH IS 50.00 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE NORTH 0°(DEGREES) 32'(MINUTES) 56"(SECONDS) WEST ALONG THE EAST LINE OF LOTS 3 THRU 5 OF SAID HAZELWOOD, 114.86 FEET TO A POINT BEING 7.48 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 181.00 FEET, WHOSE ARC LENGTH IS 116.63 FEET AND WHOSE CHORD BEARS SOUTH 27°51'31" EAST, 114.62 FEET; THENCE SOUTH 43°40'56" WEST, 5.63 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 30.00 FEET, WHOSE ARC LENGTH IS 24.07 FEET AND WHOSE CHORD BEARS SOUTH 66°40'13" WEST, 23.43 FEET; THENCE SOUTH 89°39'30" WEST, 27.05 FEET TO THE POINT OF BEGINNING AND CONTAINING 2547 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

37 54A

## INDEX LEGEND

SERVICE PROVIDED FOR:  
CITY OF DES MOINES  
400 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309

REQUESTED BY:  
CITY OF DES MOINES

RETURN TO:  
CITY OF DES MOINES  
1551 E. MARTIN LUTHER KING JR. PKWY  
DES MOINES, IOWA 50309  
PHONE: 515-283-4050

BASIS OF BEARING:  
IOWA SOUTH COORDINATE SYSTEM (NAD83)  
IOWA DEPARTMENT OF TRANSPORTATIONS-  
IOWA REAL TIME NETWORK

## EXHIBIT

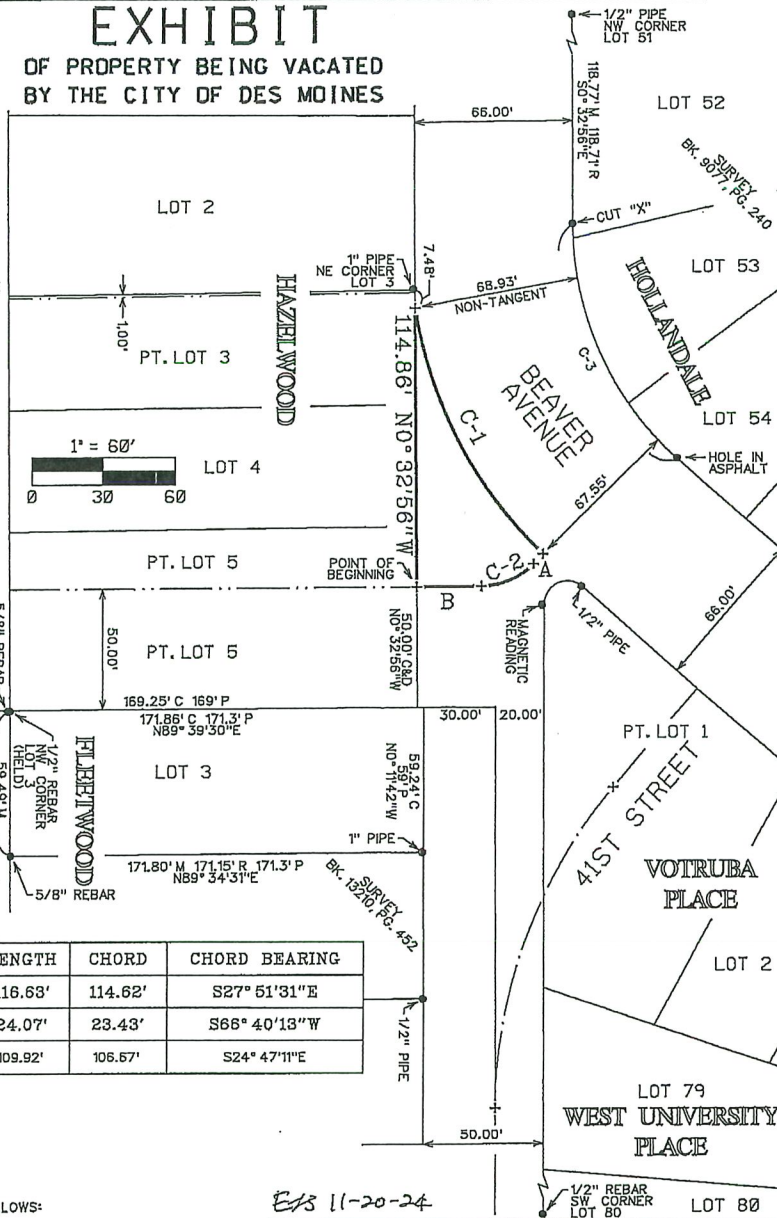
OF PROPERTY BEING VACATED  
BY THE CITY OF DES MOINES

**LEGEND**

- FOUND MONUMENT (AS NOTED)
- + CALCULATED CORNER
- M MEASURED DIMENSION
- C CALCULATED DIMENSION
- R RECORDED DIMENSION
- D DEEDED DIMENSION
- P PLATTED DIMENSION
- YPC YELLOW PLASTIC CAP
- OPC ORANGE PLASTIC CAP
- RIGHT OF WAY VACATION LINE
- LOT LINE
- CENTERLINE
- DEED LINE

USDA GRID  
NORTH

| NUMBER | BEARING     | DISTANCE |
|--------|-------------|----------|
| A      | S43°40'56"W | 5.63'    |
| B      | S89°39'30"W | 27.05'   |



| NUMBER | DELTA       | RADIUS  | LENGTH  | CHORD   | CHORD BEARING |
|--------|-------------|---------|---------|---------|---------------|
| C-1    | 36°55'07" L | 181.00' | 116.63' | 114.62' | S27°51'31"E   |
| C-2    | 45°58'34" R | 30.00'  | 24.07'  | 23.43'  | S66°40'13"W   |
| C-3    | 48°28'30" L | 129.92' | 109.92' | 106.67' | S24°47'11"E   |

### DESCRIPTION:

A PART OF 41ST STREET AND DESCRIBED AS FOLLOWS:

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11-20-24

|                                                                         |
|-------------------------------------------------------------------------|
| DEPARTMENT OF ENGINEERING<br>CITY OF DES MOINES, IOWA<br>(515) 283-4931 |
| 41ST STREET & BEAVER AVENUE<br>ACT. I.D. 06-2023-003                    |
| RIGHT OF WAY<br>VACATION EXHIBIT                                        |
| EXHIBIT                                                                 |
| 1 OF 1                                                                  |
| Rev/Date                                                                |

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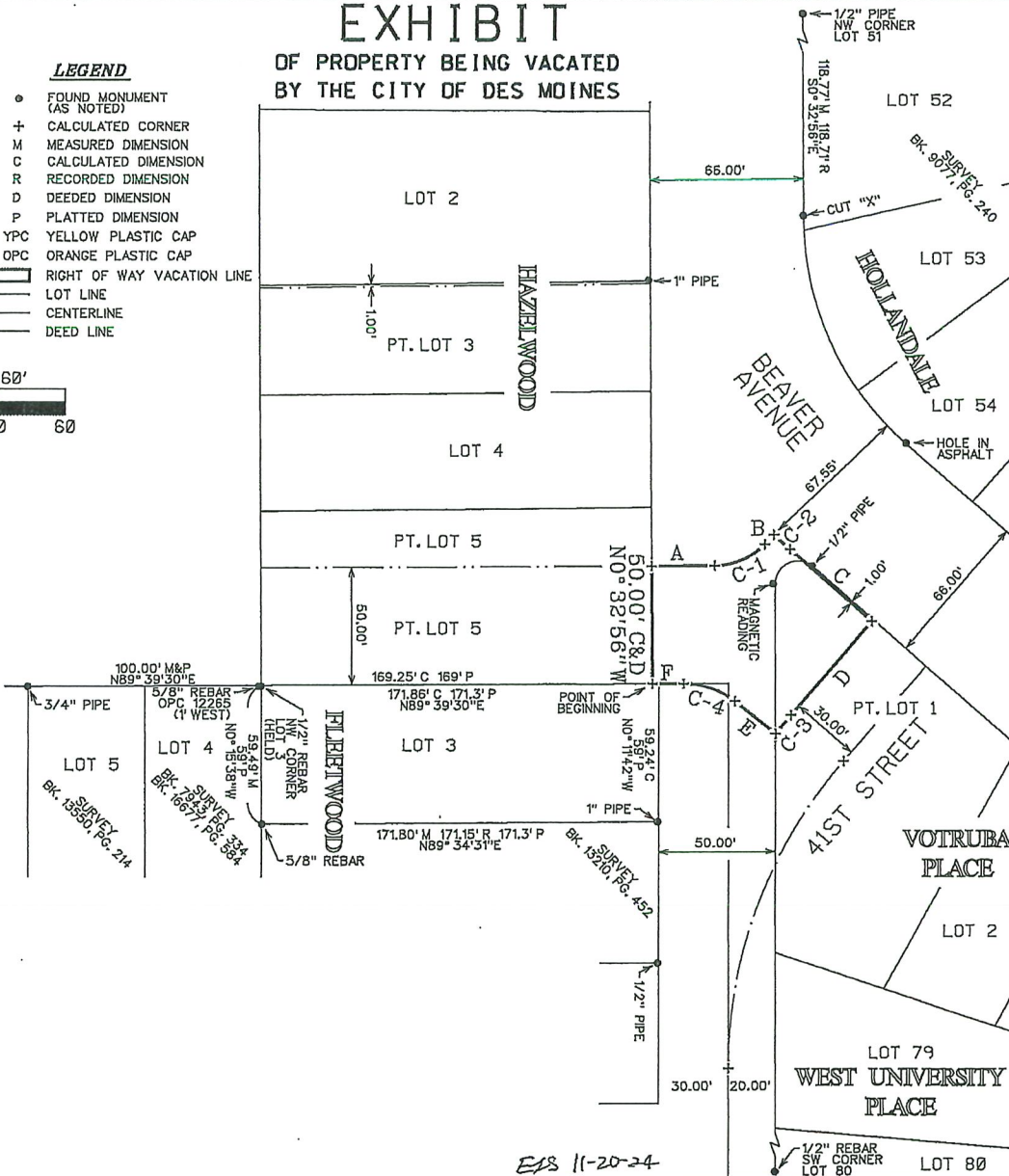
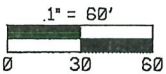
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IOWA DEPARTMENT OF TRANSPORTATIONS-  
IOWA REAL TIME NETWORK

**EXHIBIT**

OF PROPERTY BEING VACATED  
BY THE CITY OF DES MOINES

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ELS 11-20-24

|                                                                         |
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| EXHIBIT                                                                 |
| Rev/Date SHEET 1 OF 2                                                   |



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| NUMBER | BEARING        | DISTANCE |
|--------|----------------|----------|
| A      | N89° 39' 30" E | 27.05'   |
| B      | N43° 40' 56" E | 5.63'    |
| C      | S49° 01' 27" E | 46.83'   |
| D      | S40° 58' 33" W | 52.93'   |
| E      | N51° 35' 47" W | 22.32'   |
| F      | S89° 39' 30" W | 13.49'   |

| NUMBER | DELTA         | RADIUS  | LENGTH | CHORD  | CHORD BEARING  |
|--------|---------------|---------|--------|--------|----------------|
| C-1    | 45° 58' 34" L | 30.00'  | 24.07' | 23.43' | N66° 40' 13" E |
| C-2    | 2° 56' 44" L  | 181.00' | 9.31'  | 9.30'  | S47° 47' 26" E |
| C-3    | 2° 34' 21" L  | 230.00' | 10.33' | 10.33' | S39° 41' 23" W |
| C-4    | 38° 44' 43" L | 35.00'  | 23.67' | 23.22' | N70° 58' 09" W |

E/S 11-20-24

|          |                             |
|----------|-----------------------------|
|          | DEPARTMENT OF ENGINEERING   |
|          | CITY OF DES MOINES, IOWA    |
|          | (515) 283-4931              |
|          | 41ST STREET & BEAVER AVENUE |
|          | ACT. I.D. 06-2023-003       |
|          | RIGHT OF WAY                |
|          | EXHIBIT                     |
|          | VACATION EXHIBIT            |
|          |                             |
| Rev/Date | SHEET 2 OF 2                |