

**SET HEARING FOR VACATION OF AIR AND SUBSURFACE RIGHTS WITHIN PORTIONS OF MURPHY STREET AND SW 14<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING 1310 MURPHY STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR AIR SPACE ABOVE CITY-OWNED PROPERTY AND A PERMANENT EASEMENT FOR SUBSURFACE BUILDING ENCROACHMENT ON CITY-OWNED PROPERTY TO HRC NFS I, LLC FOR \$1,625**

**WHEREAS**, HRC NFS I, LLC, the owner of 1310 Murphy Street, Des Moines, Iowa has requested that the City of Des Moines, Iowa (“City”) vacate air and subsurface rights in portions of Murphy Street and SW 14<sup>th</sup> Street right-of-way adjoining 1310 Murphy 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**, HRC NFS I, LLC has offered to the City the purchase price of \$1,625.00 for the purchase of a Permanent Easement for Air Space Above City-Owned Property and a Permanent Easement for Subsurface Building Encroachment on City-Owned Property (“Easements”) over, through and across portions of Murphy Street and SW 14<sup>th</sup> Street right-of-way adjoining 1310 Murphy Street, Des Moines, Iowa (hereinafter “Easement Area”) for the purpose of constructing, operating, maintaining and repairing balconies and footings for the apartment 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 City will not be inconvenienced by the vacation of said property and the conveyance of the Easements 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 air and subsurface rights in portions of Murphy Street and SW 14<sup>th</sup> Street right-of-way adjoining 1310 Murphy Street, Des Moines, Iowa, legally described as follows:

**AIR RIGHTS**

A PART OF STREET LOT 'B', GRAY'S STATION PLAT 8, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMENCING AT THE NORTHWEST CORNER OF LOT 1, SAID GRAY'S STATION PLAT 8; THENCE SOUTH 00°08'06" WEST ALONG THE EAST LINE OF SAID STREET LOT 'B', 29.83 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°08'06" WEST ALONG SAID EAST LINE, 13.00 FEET; THENCE NORTH 89°19'18" WEST, 0.28 FEET; THENCE NORTH 00°40'42" EAST, 13.00 FEET; THENCE SOUTH 89°19'18" EAST, 0.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 3 SQUARE FEET.

APPROXIMATE GROUND ELEVATION IS 20 FEET. THE BOTTOM ELEVATION OF THE EASEMENT AREA IS 30 FEET AND THE TOP ELEVATION OF THE EASEMENT AREA IS 55 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

AND

A PART OF STREET LOT 'A', GRAY'S STATION PLAT 8 AND STREET LOT 'A', GRAY'S STATION PLAT 5, BOTH OFFICIAL PLATS IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, SAID GRAY'S STATION PLAT 8; THENCE SOUTH 89°19'18" EAST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 20.48 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°40'42" EAST, 0.50 FEET; THENCE SOUTH 89°19'18" EAST, 251.88 FEET; THENCE SOUTH 00°40'42" WEST, 0.50 FEET TO SAID NORTH LINE OF LOT 1; THENCE NORTH 89°19'18" WEST ALONG SAID NORTH LINE, 251.88 FEET TO THE POINT OF BEGINNING AND CONTAINING 126 SQUARE FEET.

APPROXIMATE GROUND ELEVATION IS 20 FEET. THE BOTTOM ELEVATION OF THE EASEMENT AREA IS 30 FEET AND THE TOP ELEVATION OF THE EASEMENT AREA IS 55 FEET. ELEVATIONS ARE CITY OF DES MOINES VERTICAL DATUM.

**SUBSURFACE RIGHTS**

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AND

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2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Air Space Above City-Owned and a Permanent Easement for Subsurface Building Encroachment on City-Owned Property in such vacated right-of-way, as legally described below, to HRC NFS I, LLC for \$1,625.00, subject to any and all easements, restrictions and covenants of record:

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

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

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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 September 29, 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.



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Moved by Gatto to adopt. Second by Voss

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	7			

MOTION CARRIED

APPROVED

Connie Boesen

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

Laura Baumgartner, City Clerk