



Roll Call Number

25-1208

Agenda Item Number

26

Date September 8, 2025

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**SET HEARING FOR VACATION OF SURFACE RIGHTS WITHIN A PORTION OF
DEPOT STREET RIGHT-OF-WAY ADJOINING 108 3RD STREET AND CONVEYANCE
OF A PERMANENT EASEMENT FOR SURFACE BUILDING ENCROACHMENT ON
CITY-OWNED PROPERTY TO JDS REAL ESTATE INVESTMENTS, L.L.C.
FOR \$33,400**

WHEREAS, JDS Real Estate Investments, L.L.C., an Iowa limited liability company, the owner of 108 3rd Street, Des Moines, Iowa, has requested that the City of Des Moines, Iowa ("City") vacate surface rights within a portion of street right-of-way adjoining 108 3rd 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, JDS Real Estate Investments, L.L.C. has offered to the City the purchase price of \$33,400.00 for the purchase of a Permanent Easement for Surface Building Encroachment on City-Owned Property ("Easement") over, through and across a portion of Depot Street right-of-way adjoining 108 3rd Street, Des Moines, Iowa (hereinafter "Easement Area") for the purpose of constructing, operating, maintaining and repairing a dumpster area and dock encroachments, 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 in a portion of street right-of-way adjoining 108 3rd Street, Des Moines, Iowa, legally described as follows:

A PART OF THE 19.00-FOOT-WIDE DEPOT STREET RIGHT-OF-WAY LYING SOUTH OF LOTS 5 & 8, BLOCK 25, FORT DES MOINES, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 74°29'35" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 8, A DISTANCE OF 100.63 FEET; THENCE SOUTH 15°30'25" EAST, 13.00 FEET; THENCE SOUTH 74°29'35" WEST, 24.00 FEET; THENCE NORTH 15°30'25" WEST, 4.50 FEET; THENCE SOUTH 74°29'35" WEST, 70.00 FEET; THENCE



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NORTH 15°30'25" WEST, 7.50 FEET; THENCE SOUTH 74°29'35" WEST, 46.84 FEET; THENCE NORTH 15°30'25" WEST, 1.00 FEET TO THE SOUTHERLY LINE OF SAID LOT 5; THENCE NORTH 74°29'35" EAST ALONG SAID SOUTHERLY LINE AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DEPOT STREET, 40.21 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (954 SQUARE FEET).

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 Property in such vacated right-of-way, as legally described below, to JDS Real Estate Investments, L.L.C. for \$33,400.00, subject to any and all easements, restrictions and covenants of record:

A PART OF THE 19.00-FOOT-WIDE VACATED DEPOT STREET RIGHT-OF-WAY LYING SOUTH OF LOTS 5 & 8, BLOCK 25, FORT DES MOINES, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 74°29'35" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 8, A DISTANCE OF 100.63 FEET; THENCE SOUTH 15°30'25" EAST, 13.00 FEET; THENCE SOUTH 74°29'35" WEST, 24.00 FEET; THENCE NORTH 15°30'25" WEST, 4.50 FEET; THENCE SOUTH 74°29'35" WEST, 70.00 FEET; THENCE NORTH 15°30'25" WEST, 7.50 FEET; THENCE SOUTH 74°29'35" WEST, 46.84 FEET; THENCE NORTH 15°30'25" WEST, 1.00 FEET TO THE SOUTHERLY LINE OF SAID LOT 5; THENCE NORTH 74°29'35" EAST ALONG SAID SOUTHERLY LINE AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DEPOT STREET, 40.21 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (954 SQUARE FEET).

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