

SET HEARING FOR VACATION OF AIR RIGHTS WITHIN PORTIONS OF EAST 16TH STREET AND EAST GRAND AVENUE RIGHT-OF-WAY ADJOINING 1600 EAST GRAND AVENUE AND CONVEYANCE OF A PERMANENT EASEMENT FOR AIR SPACE ABOVE CITY-OWNED PROPERTY TO FRANCISCO J. PLESENT LIVING TRUST AND MARIA ARACELI PENA FOR \$100

WHEREAS, Francisco J. Plesent Living Trust, Contract Seller, and Maria Araceli Pena, Contract Buyer, owners of 1600 East Grand Avenue, Des Moines, Iowa, have requested that the City of Des Moines, Iowa ("City") vacate air rights in portions of East 16th Street and East Grand Avenue right-of-way adjoining 1600 East Grand 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, Francisco J. Plesent Living Trust and Maria Araceli Pena have offered to the City the purchase price of \$100.00 for the purchase of a Permanent Easement for Air Space Above City-Owned Property ("Easement") over, through and across portions of East 16th Street and East Grand Avenue right-of-way adjoining 1600 East Grand Avenue (hereinafter "Easement Area"), for the purpose of constructing, operating, maintaining and repairing two bay windows 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 air rights in portions of East 16th Street and East Grand Avenue right-of-way adjoining 1600 East Grand Avenue, legally described as follows:

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, 34.67 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.

- 2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Air Space Above City-Owned Property in such vacated right-of-way, as legally described below, to Francisco J. Plesent Living Trust, Contract Seller, and Maria Araceli Pena, Contract Buyer, for \$100.00, subject to any and all easements, restrictions and covenants of record:

EASEMENT AREA "A":

A PART OF THE VACATED 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:

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EASEMENT AREA "B":

A PART OF THE VACATED 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:

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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 February 23, 2026, said meeting to be held at 5:00 p.m., in the City Council Chamber, T.M. Franklin Cownie City Administration Building, 1200 Locust Street, 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.



Roll Call Number

26-0182

Agenda Item Number

27

Date February 9, 2026

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	✓			
BARRON	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

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.

Connie Breen Mayor

Laura Baumgartner
Laura Baumgartner, City Clerk