

Date July 14, 2025

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**HOLD HEARING FOR VACATION OF TWO IRREGULAR SHAPED SEGMENTS
OF UNDEVELOPED RIGHT-OF-WAY LOCATED IN THE VICINITY OF
6200 SCOUT TRAIL AND RELEASE OF THE PERMANENT EASEMENT
FOR PUBLIC RIGHT OF WAY ON SAID PROPERTY**

WHEREAS, on May 22, 2025, the City Plan and Zoning Commission approved a request from Bell Avenue Properties, Inc. represented by Jonathan Koehn, Officer, for the vacation of two irregular shaped segments of undeveloped right-of-way adjoining 6200 Scout Trail, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated at the applicant's expense; and

WHEREAS, on June 9, 2025, by Roll Call No. 25-0821, the City Council of the City of Des Moines received and filed the recommendation from the Plan and Zoning Commission that the two irregular shaped segments of undeveloped right-of-way, measuring approximately 2,550 square feet and 11,228 square feet in area, in the vicinity of 6200 Scout Trail, as legally described below, be vacated subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated at the applicant's expense; and

WHEREAS, on December 4, 2020, Bell Avenue Properties, Inc. granted the City of Des Moines ("City") a Permanent Easement for Public Right of Way ("Easement") as recorded in the Office of the Polk County Recorder on January 26, 2021 in Book 18324, Page 708, for the future continuation of Scout Trail. This Easement was granted to the City for no consideration as required for approval of the site plan for the property at 6200 Scout Trail; and

WHEREAS, the plans for the continuation of Scout Trail have since been abandoned, and the City does not intend to extend the trail to connect further east; and

WHEREAS, Bell Avenue Properties, Inc. has requested that the City release the Easement, allowing them to assemble the vacated right-of-way with their adjoining property; and

WHEREAS, there is no known current or future public need or benefit for the public right-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said property and release of the Easement in such vacated right-of-way; and

WHEREAS, on June 30, 2025, by Roll Call No. 25-0913, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of public right-of-way and release of the Easement be set down for hearing on July 14, 2025, at 5:00 p.m., in the City Council Chambers, City Hall 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate public right-of-way and release the Easement 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

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release of easement, 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 two irregular shaped segments of undeveloped right-of-way located in the vicinity of 6200 Scout Trail, 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 two irregular shaped segments of undeveloped right-of-way located in the vicinity of 6200 Scout Trail, legally described as follows, and said vacation if hereby approved:

A PORTION OF A 60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY EASEMENT (e)
IN LOT 1, AIRPORT INDUSTRIAL PARK PLAT 3, AN OFFICIAL PLAT IN THE
CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NE CORNER OF SAID
LOT 1; THENCE S89°57'51"E, 296.72 FEET ALONG THE NORTH LINE OF SAID
LOT 1 TO THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG
A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 540.00
FEET AND A CHORD BEARING S79°36'59"W, AN ARC LENGTH OF 307.01
FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE
N42°14'42"E, 73.54 FEET ALONG THE NORTH LINE OF SAID LOT 1 TO A
POINT; THENCE N89°57'51"E, 248.50 FEET ALONG SAID NORTH LINE TO
THE POINT OF BEGINNING

AND

COMMENCING AS A POINT OF REFERENCE AT THE NE CORNER OF SAID
LOT 1; THENCE S89°57'51"E, 545.22 FEET ALONG THE NORTH LINE OF SAID
LOT 1 TO A POINT; THENCE S42°14'42"W, 85.63 FEET ALONG SAID NORTH
LINE TO A POINT; THENCE N56°17'08"W, 10.21 FEET ALONG SAID NORTH
LINE TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A
CURVE TO THE LEFT HAVING A RADIUS OF 910.00 FEET AND A CHORD
BEARING N56°40'19"W, AN ARC LENGTH OF 12.28 FEET ALONG SAID
NORTH LINE TO THE POINT OF BEGINNING; THENCE ALONG A NON-
TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 510.00 FEET AND
A CHORD BEARING N74°06'50"W, AN ARC LENGTH OF 133.95 FEET TO
APOINT THAT COINCIDES WITH SAID NORTH LINE OF LOT 1; THENCE
N24°35'47"E, 29.87 FEET ALONG SAID COINCIDING LINE TO A POINT ON

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THE NORTH LINE OF SAID LOT 1; THENCE SOUTHEASTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 910.00 FEET AND A CHORD BEARING S61°13'52"E, AN ARC LENGTH OF 132.54 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

3. The release of the Permanent Easement for Public Right of Way in such vacated public right-of-way is hereby approved, subject to reservation of an easement for all existing utilities.
4. The Mayor is authorized and directed to sign the Release of Easement, as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon final passage of an ordinance vacating said right-of-way, the City Clerk is authorized and directed to forward the original of the Release of Easement, 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.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Release of Easement, 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.
7. There will be no proceeds associated with the conveyance of this easement.

Moved by Mandelbaum to adopt. Second by Simonson.

APPROVED AS TO FORM:

/s/ Grant Hyland

Grant Hyland, Assistant City Attorney

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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Connie Breen

Mayor

Laura Baumgartner

Laura Baumgartner, City Clerk