



Roll Call Number

25-1142

Agenda Item Number

39

Date August 18, 2025

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**HOLD HEARING FOR VACATION OF MULTIPLE SEGMENTS OF STREET AND ALLEY  
RIGHT-OF-WAY IN THE VICINITY OF 201 SE 7<sup>TH</sup> STREET FOR CITY STORM WATER  
AND PARK IMPROVEMENTS**

**WHEREAS**, on July 14, 2025, by Roll Call No. 25-0971, the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a City initiated request to vacate multiple segments of street and alley right-of-way in the vicinity of 201 Southeast 7<sup>th</sup> Street ("Property") to allow for incorporation into a naturalized detention park on the eastern portion of the Market District; and

**WHEREAS**, there is no known current or future public need or benefit for the right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation of said right-of-way, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated; and

**WHEREAS**, on August 4, 2025, by Roll Call No. 25-1046, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of the right-of-way be set for hearing on August 18, 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 street and alley right-of-way 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, 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation of multiple segments of street and alley right-of-way in the vicinity of 201 SE 7<sup>th</sup> Street, Des Moines, Iowa, 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 said right-of-way, legally described as follows, and said vacation is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated:

ALL THAT PART OF SOUTHEAST 8<sup>TH</sup> STREET RIGHT OF WAY LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF THE VACATED EAST/WEST ALLEY IN BLOCK 19 OF TOWN OF DE MOINE, AN OFFICIAL PLAT, AND LYING SOUTH OF A LINE BEGINNING AT A POINT ON THE EAST LINE OF THE OFFICIAL PLAT OF LOTS 1, 2, 9 AND 10, BLOCK 20, TOWN OF DE MOINE, SAID POINT BEING ON SAID EAST LINE, A DISTANCE OF 56.78



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FEET NORTH OF AND ALONG SAID LINE FROM THE SOUTHWEST CORNER OF LOT 10 IN SAID OFFICIAL PLAT OF LOTS 1, 2, 9 AND 10, BLOCK 20, TOWN OF DE MOINE; THENCE RUNNING WESTERLY ALONG A STRAIGHT LINE TO THE NORTHEAST CORNER OF PARCEL A, SAID PARCEL A BEING SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 12596 AND PAGE 321 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA,

AND

ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 3 THROUGH 8 IN BLOCK 20 OF SAID TOWN OF DE MOINE AND LYING EAST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 3 AND LYING WESTERLY FOLLOWING DESCRIBED LINE: COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF THE EAST/WEST ALLEY IN SAID BLOCK 20 AND THE EAST RIGHT OF WAY LINE OF THE NORTH/SOUTH ALLEY IN SAID OFFICIAL PLAT OF LOTS 1, 2, 9 AND 10, BLOCK 20, TOWN OF DE MOINE; THENCE NORTH ALONG THE EAST LINE OF SAID NORTH/SOUTH ALLEY, A DISTANCE OF 17.07 FEET; THENCE EASTERLY ALONG A LINE HAVING A BEARING OF NORTH 88°42'34" EAST, TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF THE EAST/WEST ALLEY IN SAID BLOCK 20 AND TO THE BEGINNING OF SAID LINE; THENCE EASTERLY ALONG A STRAIGHT LINE TO THE NORTHEAST CORNER OF SAID LOT 8 AND THE END OF SAID LINE, - EXCEPT THE AREA DEEDED BY THE CITY OF DES MOINES, IOWA, SAID AREA BEING RECORDED IN BOOK 3982 PAGE 129 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA-,

AND

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID OFFICIAL PLAT OF LOTS 1, 2, 9 AND 10, BLOCK 20, TOWN OF DE MOINE LYING NORTH OF THE EAST/WEST ALLEY IN SAID BLOCK 20 AND LYING SOUTH OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF THE EAST/WEST ALLEY IN SAID BLOCK 20 AND THE EAST RIGHT OF WAY LINE OF THE NORTH/SOUTH ALLEY IN SAID OFFICIAL PLAT OF LOTS 1, 2, 9 AND 10, BLOCK 20, TOWN OF DE MOINE; THENCE NORTH ALONG THE EAST LINE OF SAID NORTH/SOUTH ALLEY IN SAID OFFICIAL PLAT OF LOTS 1, 2, 9 AND 10, BLOCK 20, TOWN OF DE MOINE, A DISTANCE OF 17.07 FEET TO THE BEGINNING OF SAID LINE; THENCE WESTERLY TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID NORTH/SOUTH ALLEY RIGHT OF WAY, SAID POINT BEING 21.70 FEET NORTH OF THE NORTH RIGHT OF WAY LINE OF THE EAST/WEST ALLEY IN SAID BLOCK 20, SAID POINT BEING THE END OF SAID LINE,

AND

ALL OF THE EAST MARKET STREET RIGHT OF WAY LYING EASTERLY OF THE EAST RIGHT OF WAY LINE OF SOUTHEAST 7<sup>TH</sup> STREET AND LYING WESTERLY OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 15 IN THE OFFICIAL PLAT OF LOTS 3 THROUGH 8, BLOCK 22, TOWN OF DE MOINE, -EXCEPT THE NORTH 35 FEET OF EAST MARKET STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING EAST 60 FEET OF THE WEST 90 FEET OF BLOCK 19 IN SAID TOWN OF DE MOINE-,

AND



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ALL THAT PART OF THE SOUTHEAST 8<sup>TH</sup> STREET RIGHT OF WAY LYING EAST OF AND ADJOINING LOT 9 IN SAID BLOCK 19, -EXCEPT THE AREA DEEDED BY THE CITY OF DES MOINES, IOWA, SAID DEED WAS RECORDED IN BOOK 3982 PAGE 129 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA-,

AND

ALL THAT PART OF THE SOUTHEAST 9<sup>TH</sup> STREET RIGHT OF WAY LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF EAST MARKET STREET AND LYING SOUTH OF A LINE RUNNING FROM THE NORTHEAST CORNER OF LOT 8 IN SAID BLOCK 20 TO THE NORTHWEST CORNER OF LOT 12 IN THE OFFICIAL PLAT OF LOTS 2 THROUGH 8, BLOCK 21, TOWN OF DE MOINE,

AND

ALL OF THE SOUTHEAST 10<sup>TH</sup> STREET RIGHT OF WAY LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF EAST MARKET STREET AND LYING SOUTH OF A LINE RUNNING FROM THE NORTHEAST CORNER OF LOT 17 IN SAID OFFICIAL PLAT OF LOTS 2 THROUGH 8, BLOCK 21, TOWN OF DE MOINE, TO THE NORTHWEST CORNER OF LOT 14 IN SAID OFFICIAL PLAT OF LOTS 3 THROUGH 8, BLOCK 22, TOWN OF DE MOINE,

AND

ALL OF THE SOUTHEAST 10<sup>TH</sup> STREET RIGHT OF WAY LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF EAST MARKET STREET AND LYING NORTH OF A LINE RUNNING FROM THE NORTHEAST CORNER OF LOT 11 OF THE OFFICIAL PLAT OF LOTS 5 AND 6, BLOCK 26, TOWN OF DE MOINE, TO THE NORTHWEST CORNER OF LOT 13 IN THE OFFICIAL PLAT OF LOTS 5 THROUGH 10, BLOCK 25, TOWN OF DE MOINE,

AND

ALL OF SOUTHEAST 11<sup>TH</sup> STREET RIGHT LYING BETWEEN THE SOUTH RIGHT OF WAY LINE OF EAST MARKET STREET AND THE NORTH RIGHT OF WAY EAST ELM STREET, ALL IN SAID TOWN OF DE MOINE,

AND

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 24 OF SAID TOWN OF DE MOINES,

AND

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY IN SAID BLOCK 24,

AND

ALL THAT PART OF SOUTHEAST 12<sup>TH</sup> STREET RIGHT OF WAY LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF EAST ELM STREET AND LYING SOUTH OF A LINE DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE OFFICIAL PLAT OF LOT 5 THROUGH 10, BLOCK 24, TOWN OF DE MOINE; THENCE NORTH ALONG THE EAST LINE OF SAID



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OFFICIAL PLAT OF LOT 5 THROUGH 10, BLOCK 24, TOWN OF DE MOINE, A DISTANCE OF 75.81 FEET TO THE BEGINNING OF SAID LINE; THENCE EASTERLY ALONG A LINE HAVING THE BEARING OF NORTH 88°47'59" EAST, TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 12<sup>TH</sup> STREET AND THE END OF SAID LINE, ALL IN TOWN OF DE MOINE,

AND

ALL OF THE EAST ELM STREET RIGHT OF WAY LYING EAST OF THE EAST RIGHT OF WAY LINE OF SOUTHEAST 7<sup>TH</sup> STREET AND LYING WEST OF THE EAST RIGHT OF WAY LINE OF SOUTHEAST 12<sup>TH</sup> STREET, -EXCEPT THE SOUTH 20 FEET OF THE VACATED EAST ELM STREET RIGHT OF WAY LYING EAST OF THE EAST RIGHT OF WAY LINE OF SOUTHEAST 9<sup>TH</sup> STREET AND LYING WEST OF THE EAST RIGHT OF WAY LINE OF SOUTHEAST 12<sup>TH</sup> STREET (SAID SOUTH 20 FEET VACATED BY ORDINANCE 3571 ON AUGUST 3<sup>RD</sup>, 1925), ALL IN SAID TOWN OF DE MOINE,

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. Upon final passage of an ordinance vacating said right-of-way and approval by resolution of this City Council, the City Clerk is authorized and directed to forward 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 said documents to be recorded.

Moved by Mandelbaum 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	✓			
MANDELAUM	✓			
GATTO				✓
TOTAL	6			1

MOTION CARRIED

APPROVED

Connie Boesen

Mayor

## CERTIFICATE

I, Laura L. 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 L. Baumgartner, City Clerk