

★ Roll Call Number

26-0492

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SET HEARING FOR VACATION AND CONVEYANCE OF SUBSURFACE AND AIR RIGHTS EASEMENTS WITHIN PORTIONS OF EAST 2ND STREET, EAST COURT AVENUE, AND EAST 3RD STREET TO RIVERVIEW PARKING, LLC FOR \$38,100.

WHEREAS, Riverview Parking, LLC, the owner of 200 East Court Avenue, Des Moines, Iowa, has requested that the City of Des Moines, Iowa (“City”) vacate subsurface and air rights in portions of East 2nd Street, East 3rd Street, and East Court Avenue right-of-way adjoining 200 East Court 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, Riverview Parking, LLC has offered to the City the purchase price of \$38,100.00 for the purchase of a Permanent Easement for Subsurface Building Encroachment on City-Owned Property and a Permanent Easement for Air Space Above City-Owned Property (“Easement”) over, through and across portions of East 2nd Street, East 3rd Street, and East Court Avenue right-of-way adjoining 200 East Court Avenue (hereinafter “Easement Area”) for the purpose of constructing, operating, maintaining and repairing architectural elements and footing encroachments for the parking building being constructed on the property, 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 public 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 subsurface and air rights in portions of East 2nd Street, East 3rd Street, and East Court Avenue right-of-way adjoining 200 East Court Avenue, legally described as follows:

SUBSURFACE RIGHTS

EXHIBIT A

PART OF E COURT AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK H IN SCOTT & DEAN’S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK H IN SCOTT & DEAN’S ADDITION; THENCE NORTH 74°57’49” EAST, 279.88 FEET ALONG THE SOUTH LINE OF SAID BLOCK H TO THE SOUTHEAST CORNER OF LOT 10 IN SAID BLOCK H IN SCOTT & DEAN’S ADDITION; THENCE CONTINUING NORTH 74°57’49” EAST, 3.95 FEET;

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THENCE SOUTH 14°54'44" EAST, 4.06 FEET; THENCE SOUTH 75°05'16" WEST, 10.83 FEET; THENCE NORTH 14°54'44" WEST, 2.22 FEET; THENCE SOUTH 75°05'16" WEST, 26.89 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 26.89 FEET; THENCE SOUTH 14°54'44" EAST, 2.22 FEET; THENCE SOUTH 75°05'16" WEST, 10.83 FEET; THENCE NORTH 14°54'44" WEST, 3.44 FEET; THENCE NORTH 74°57'49" EAST, 3.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 773 SQUARE FEET.

AND

PART OF E 2ND STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 14°53'33" EAST, 132.09 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 74°57'49"W, 3.95 FEET; THENCE NORTH 14°54'44" WEST, 7.40 FEET; THENCE NORTH 75°05'16" EAST, 2.05 FEET; THENCE NORTH 14°54'44" WEST, 46.80 FEET; THENCE SOUTH 75°05'16" WEST, 2.63 FEET; THENCE NORTH 14°54'44" WEST, 20.33 FEET; THENCE NORTH 75°05'16" EAST, 2.63 FEET; THENCE NORTH 14°54'44" WEST, 25.52 FEET; THENCE SOUTH 75°05'16" WEST, 2.79 FEET; THENCE NORTH 14°54'44" WEST, 10.83 FEET; THENCE NORTH 75°05'16" EAST, 3.54 FEET; THENCE NORTH 14°54'44" WEST, 10.45 FEET; THENCE SOUTH 75°05'16" WEST, 2.80 FEET; THENCE NORTH 14°54'44" WEST, 10.76 FEET; THENCE NORTH 75°05'16" EAST, 3.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 366 SQUARE FEET.

AND

PART OF E 3RD STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 14°54'57" WEST, 131.55 FEET ALONG THE EAST LINE OF SAID LOT 10; THENCE NORTH 75°05'16" EAST, 3.95 FEET; THENCE SOUTH 14°54'44" EAST, 10.83 FEET; THENCE SOUTH 75°05'16" WEST, 2.80 FEET; THENCE SOUTH 14°54'44" EAST, 10.82 FEET; THENCE NORTH 75°05'16" EAST, 3.54 FEET; THENCE SOUTH 14°54'44" EAST, 10.83 FEET; THENCE SOUTH 75°05'16" WEST, 2.79 FEET; THENCE SOUTH 14°54'44" EAST, 25.15 FEET; THENCE NORTH 75°05'16" EAST, 2.63 FEET; THENCE SOUTH 14°54'44" EAST, 20.33 FEET; THENCE SOUTH 75°05'16" WEST, 2.63 FEET; THENCE SOUTH 14°54'44" EAST, 46.80 FEET; THENCE NORTH 75°05'16" EAST, 2.05 FEET; THENCE SOUTH 14°54'44" EAST, 6.77 FEET; THENCE SOUTH 74°57'49" WEST, 3.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 361 SQUARE FEET.

AIR RIGHTS

EXHIBIT B

PART OF E COURT AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 74°57'49" EAST, 279.88 FEET ALONG THE SOUTH LINE OF SAID BLOCK H TO THE SOUTHEAST CORNER OF LOT 10 IN SAID BLOCK H; THENCE CONTINUING NORTH 74°57'49" EAST, 1.06 FEET; THENCE SOUTH 14°54'44" EAST, 1.17 FEET; THENCE SOUTH 75°05'16" WEST, 282.00 FEET; THENCE NORTH 14°54'44" WEST, 0.56 FEET; THENCE NORTH 74°57'49" EAST, 1.06 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 813.50 AND 814.30 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 244 SQUARE FEET.

AND

PART OF E 2ND STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 74°57'49" WEST, 1.06 FEET; THENCE NORTH 14°54'44" WEST, 108.44 FEET; THENCE NORTH 75°05'16" EAST, 1.10 FEET TO THE WEST

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LINE OF SAID LOT 5; THENCE SOUTH 14°53'33" EAST, 108.44 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 813.50 AND 814.30 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 117 SQUARE FEET.

AND

PART OF E 3RD STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 14°54'57" WEST, 107.83 FEET ALONG THE EAST LINE OF SAID LOT 10; THENCE NORTH 75°05'16" EAST, 1.07 FEET; THENCE SOUTH 14°54'44" EAST, 107.83 FEET; THENCE SOUTH 74°57'49" WEST, 1.06 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 813.50 AND 814.30 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 115 SQUARE FEET.

AND

PART OF E COURT AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 74°57'49" EAST, 279.88 FEET ALONG THE SOUTH LINE OF SAID BLOCK H TO THE SOUTHEAST CORNER OF LOT 10 IN SAID BLOCK H; THENCE CONTINUING NORTH 74°57'49" EAST, 2.89 FEET; THENCE SOUTH 14°54'44" EAST, 3.01 FEET; THENCE SOUTH 75°05'16" WEST, 285.67 FEET; THENCE NORTH 14°54'44" WEST, 2.39 FEET; THENCE NORTH 74°57'49" EAST, 2.89 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 834.80 AND 835.65 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 770 SQUARE FEET.

AND

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PART OF E 2ND STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 74°57'49" WEST, 2.89 FEET; THENCE NORTH 14°54'44" WEST, 108.45 FEET; THENCE NORTH 75°05'16" EAST, 2.93 FEET TO THE WEST LINE OF SAID LOT 5; THENCE SOUTH 14°53'33" EAST, 108.44 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 834.80 AND 835.65 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 316 SQUARE FEET.

AND

PART OF E 3RD STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 14°54'57" WEST, 107.83 FEET ALONG THE EAST LINE OF SAID LOT 10; THENCE NORTH 75°05'16" EAST, 2.90 FEET; THENCE SOUTH 14°54'44" EAST, 107.83 FEET; THENCE SOUTH 74°57'49" WEST, 2.89 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 834.80 AND 835.65 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 312 SQUARE FEET.

AND

PART OF E 2ND STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 14°53'33" EAST, 0.98 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 14°53'33" EAST, 26.30 FEET ALONG THE WEST LINE OF SAID LOT 5; THENCE SOUTH 75°05'16" WEST, 2.93 FEET; THENCE NORTH 14°54'44" WEST, 26.30 FEET; THENCE NORTH 75°05'16" EAST, 2.94 FEET TO THE POINT OF BEGINNING.

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LYING BETWEEN ELEVATIONS 845.15 AND 846.35 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 77 SQUARE FEET.

AND

PART OF E 3RD STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 14°54'57" EAST, 1.71 FEET ALONG THE EAST LINE OF SAID LOT 10 TO THE POINT OF BEGINNING; THENCE NORTH 75°05'16" EAST, 2.90 FEET; THENCE SOUTH 14°54'44" EAST, 26.30 FEET; THENCE SOUTH 75°05'16" WEST, 2.90 FEET TO THE EAST LINE OF SAID LOT 10; THENCE NORTH 14°54'57" WEST, 26.30 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 841.70 AND 842.90 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 77 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Subsurface Building Encroachment on City-Owned Property and a Permanent Easement for Air Space Above City-Owned Property in such vacated right-of-way, as legally described below, to Riverview Parking, LLC for \$38,100.00, subject to any and all easements, restrictions and covenants of record:

PERMANENT EASEMENT FOR SUBSURFACE BUILDING ENCROACHMENT ON CITY-OWNED PROPERTY

EXHIBIT A

PART OF VACATED E COURT AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 20.33 FEET; THENCE NORTH 14°54'44" WEST, 2.79 FEET; THENCE SOUTH 75°05'16" WEST, 27.67 FEET; THENCE SOUTH 14°54'44" EAST, 2.22 FEET; THENCE SOUTH 75°05'16" WEST, 10.83 FEET; THENCE NORTH 14°54'44" WEST, 3.44 FEET; THENCE NORTH 74°57'49" EAST, 3.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 773 SQUARE FEET.

AND

PART OF VACATED E 2ND STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 14°53'33" EAST, 132.09 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 74°57'49"W, 3.95 FEET; THENCE NORTH 14°54'44" WEST, 7.40 FEET; THENCE NORTH 75°05'16" EAST, 2.05 FEET; THENCE NORTH 14°54'44" WEST, 46.80 FEET; THENCE SOUTH 75°05'16" WEST, 2.63 FEET; THENCE NORTH 14°54'44" WEST, 20.33 FEET; THENCE NORTH 75°05'16" EAST, 2.63 FEET; THENCE NORTH 14°54'44" WEST, 25.52 FEET; THENCE SOUTH 75°05'16" WEST, 2.79 FEET; THENCE NORTH 14°54'44" WEST, 10.83 FEET; THENCE NORTH 75°05'16" EAST, 3.54 FEET; THENCE NORTH 14°54'44" WEST, 10.45 FEET; THENCE SOUTH 75°05'16" WEST, 2.80 FEET; THENCE NORTH 14°54'44" WEST, 10.76 FEET; THENCE NORTH 75°05'16" EAST, 3.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 366 SQUARE FEET.

AND

PART OF VACATED E 3RD STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 361 SQUARE FEET.

PERMANENT EASEMENT FOR AIR SPACE ABOVE CITY-OWNED PROPERTY

EXHIBIT A

PART OF VACATED E COURT AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 74°57'49" EAST, 279.88 FEET ALONG THE SOUTH LINE OF SAID BLOCK H TO THE SOUTHEAST CORNER OF LOT 10 IN SAID BLOCK H; THENCE CONTINUING NORTH 74°57'49" EAST, 1.06 FEET; THENCE SOUTH 14°54'44" EAST, 1.17 FEET; THENCE SOUTH 75°05'16" WEST, 282.00 FEET; THENCE NORTH 14°54'44" WEST, 0.56 FEET; THENCE NORTH 74°57'49" EAST, 1.06 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 813.50 AND 814.30 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 244 SQUARE FEET.

AND

PART OF VACATED E 2ND STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 74°57'49" WEST, 1.06 FEET; THENCE NORTH 14°54'44" WEST, 108.44 FEET; THENCE NORTH 75°05'16" EAST, 1.10 FEET TO THE WEST

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LINE OF SAID LOT 5; THENCE SOUTH 14°53'33" EAST, 108.44 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 813.50 AND 814.30 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 117 SQUARE FEET.

AND

PART OF VACATED E 3RD STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 14°54'57" WEST, 107.83 FEET ALONG THE EAST LINE OF SAID LOT 10; THENCE NORTH 75°05'16" EAST, 1.07 FEET; THENCE SOUTH 14°54'44" EAST, 107.83 FEET; THENCE SOUTH 74°57'49" WEST, 1.06 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 813.50 AND 814.30 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 115 SQUARE FEET.

EXHIBIT B

PART OF VACATED E COURT AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 74°57'49" EAST, 279.88 FEET ALONG THE SOUTH LINE OF SAID BLOCK H TO THE SOUTHEAST CORNER OF LOT 10 IN SAID BLOCK H; THENCE CONTINUING NORTH 74°57'49" EAST, 2.89 FEET; THENCE SOUTH 14°54'44" EAST, 3.01 FEET; THENCE SOUTH 75°05'16" WEST, 285.67 FEET; THENCE NORTH 14°54'44" WEST, 2.39 FEET; THENCE NORTH 74°57'49" EAST, 2.89 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 834.80 AND 835.65 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 770 SQUARE FEET.

AND



Roll Call Number

26-0492

Agenda Item Number

14

Date April 20, 2026

PART OF VACATED E 2ND STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 74°57'49" WEST, 2.89 FEET; THENCE NORTH 14°54'44" WEST, 108.45 FEET; THENCE NORTH 75°05'16" EAST, 2.93 FEET TO THE WEST LINE OF SAID LOT 5; THENCE SOUTH 14°53'33" EAST, 108.44 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 834.80 AND 835.65 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 316 SQUARE FEET.

AND

PART OF VACATED E 3RD STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE NORTH 14°54'57" WEST, 107.83 FEET ALONG THE EAST LINE OF SAID LOT 10; THENCE NORTH 75°05'16" EAST, 2.90 FEET; THENCE SOUTH 14°54'44" EAST, 107.83 FEET; THENCE SOUTH 74°57'49" WEST, 2.89 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 834.80 AND 835.65 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 312 SQUARE FEET.

EXHIBIT C

PART OF VACATED E 2ND STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 5 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 14°53'33" EAST, 0.98 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 14°53'33" EAST, 26.30 FEET ALONG THE WEST LINE OF SAID LOT 5; THENCE SOUTH 75°05'16" WEST, 2.93 FEET; THENCE NORTH 14°54'44" WEST, 26.30 FEET; THENCE NORTH 75°05'16" EAST, 2.94 FEET TO THE POINT OF BEGINNING.



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LYING BETWEEN ELEVATIONS 845.15 AND 846.35 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 77 SQUARE FEET.

AND

PART OF VACATED E 3RD STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 10 IN BLOCK H IN SCOTT & DEAN'S ADDITION; THENCE SOUTH 14°54'57" EAST, 1.71 FEET ALONG THE EAST LINE OF SAID LOT 10 TO THE POINT OF BEGINNING; THENCE NORTH 75°05'16" EAST, 2.90 FEET; THENCE SOUTH 14°54'44" EAST, 26.30 FEET; THENCE SOUTH 75°05'16" WEST, 2.90 FEET TO THE EAST LINE OF SAID LOT 10; THENCE NORTH 14°54'57" WEST, 26.30 FEET TO THE POINT OF BEGINNING.

LYING BETWEEN ELEVATIONS 841.70 AND 842.90 FEET, NAVD 1988 (REFERENCE GROUND LEVEL ELEVATION OF 795.40, NAVD 1988, AT THE PARKING GARAGE ENTRANCE OFF E 3RD STREET). HORIZONTALLY CONTAINING 77 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 May 4, 2026, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 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.



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Date April 20, 2026

Moved by Voss to adopt. Second by Barron

APPROVED AS TO FORM:

/s/ Emily Duffy
Emily Duffy, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, BARRON, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL (YEAS: 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 Boesen Mayor

Laura Baumgartner City Clerk