



Roll Call Number

22-1635

Agenda Item Number

23

Date October 24, 2022

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM 13TH AND MULBERRY, LLC (OWNER) FOR VACATION OF AIR AND SUBSURFACE RIGHTS-OF-WAY ADJOINING 1321 MULBERRY STREET, FALCON DRIVE, MULBERRY STREET, AND A NORTH/SOUTH ALLEYWAY

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 6, 2022, its members voted 15-0 to recommend **APPROVAL** of a request from 13th and Mulberry, LLC (owner), represented by Byron Schafersman (officer), for vacation of air and subsurface rights-of-way adjoining 1321 Mulberry Street, within 13th Street, Falcon Drive, Mulberry Street, and a north/south alleyway, legally described as follows, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense:

AIR AND SUBSURFACE PORTIONS OF THE FOLLOWING:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 8 IN BLOCK 34 IN KEENE & POINDEXTER'S ADDITION: THENCE S29°20'46"W A DISTANCE OF 11.37 FEET TO THE POINT OF BEGINNING: THENCE N15°21'07"W A DISTANCE OF 148.99 FEET: THENCE N73°29'18"E A DISTANCE OF 148.36 FEET: THENCE S15°25'33"E A DISTANCE OF 150.43 FEET: THENCE S74°02'40"W A DISTANCE OF 148.53 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT LOT 8 & 9 BLOCK 34 KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING 4,382 SQUARE FEET OR 0.101 ACRES, MORE OR LESS.

MOVED by *Datto* to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division, **SECOND** by *Bolser*.

APPROVED AS TO FORM:
/s/ Lisa A. Wieland
Lisa A. Wieland
Assistant City Attorney

(ROWV-2022-00022)



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Frankie Cownie
 _____ 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
 _____ City Clerk