

Date December 6, 2021

RESOLUTION TO DISMISS HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF UNDEVELOPED SEGMENT OF CITY STREET RIGHT-OF-WAY LOCATED NORTH OF AND ADJOINING 1661 COUNTY LINE ROAD AND CONVEYANCE TO JOPPA FOR \$30,000.00

WHEREAS, the City of Des Moines, Iowa is the owner of an undeveloped segment of street right-of-way located between the two parcels comprised of 1661 County Line Road and District Parcel 120/02416-003-000 (hereinafter “Property”); and

WHEREAS, JOPPA, an Iowa non-profit company, has requested the vacation of the Property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, which request has 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, JOPPA has offered to the City of Des Moines, Iowa (“City”) the purchase price of Thirty Thousand and No Dollars (\$30,000.00) for the purchase of the Property, which price reflects the fair market value of the Property as determined by the City’s Real Estate Division, for incorporation into the adjoining property for purposes legally allowed by the City of Des Moines, subject to and contingent upon all terms and conditions contained in the offer to purchase, which offer to purchase is on file in the office of the City Clerk of the City of Des Moines; and

WHEREAS, on August 9, 2021, by Roll Call No. 21-1214, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the undeveloped segment of street right-of-way be set for hearing on August 23, 2021, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, and the City Manager presented and recommended approval of said vacation in accordance with Municipal Code 102-286(b); and

WHEREAS, on August 23, 2021, by Roll Call No. 21-1365, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the hearing on the proposed vacation and conveyance of the undeveloped segment of street right-of-way be continued, at JOPPA’s request, to October 4, 2021, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa in order to have the vacation and conveyance coincide with JOPPA’s request to rezone the City Property; and

WHEREAS, on October 4, 2021, by Roll Call No. 21-1505 it was duly resolved by the City Council of the City of Des Moines, Iowa, that the hearing on the proposed vacation and conveyance of the undeveloped segment of street right-of-way be continued to December 6, 2021, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa in order to have the vacation and conveyance coincide with JOPPA’s request to rezone the City Property and to allow JOPPA more time to finalize its development plan; and

WHEREAS, due notice of said proposal to vacate and convey the undeveloped segment of street right-of-way was given to all necessary parties as provided by law, setting forth the time and place for hearing

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on said proposal; and

WHEREAS, JOPPA has subsequently withdrawn the offer to purchase the Property as presented to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the JOPPA’s withdraw of the offer to purchase the undeveloped segment of street right-of-way located between the two parcels comprised of 1661 County Line Road and District Parcel 120/02416-003-000, Des Moines, Iowa, described as follows:

LOT C, HIGHLAND HILLS PLAT No. 6, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1.94 ACRES (84,564 SQUARE FEET).;

this hearing is hereby dismissed.

Moved by _____ to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, P. KAY CMELIK, 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.

_____ City Clerk