



Date September 24, 2018

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF ROADWAY EASEMENT FOR SOUTHWEST CONNECTOR RIGHT-OF-WAY LOCATED EAST OF SW 63<sup>RD</sup> STREET AND RELEASE THEREOF FOR \$170,950.00**

**WHEREAS**, on July 14, 2008, by Roll Call No. 08-1177, the City Council of the City of Des Moines, Iowa, voted to approve and accept a Permanent Easement for Roadway Right-of-Way – Southwest Connector from Cornerstone Family Church, in property located east of SW 63<sup>rd</sup> Street and north of McKinley Avenue, as further described below, (“Property”), for the purpose of the City constructing and maintaining public streets and setback, together with all necessary appurtenances thereto, for the Southwest Connector Project, which Permanent Easement for Roadway Right-of-Way – Southwest Connector was recorded in Book 12726, Page 294 in the office of the Polk County Recorder; and

**WHEREAS**, on September 24, 2018, the City Council will consider amending the “MoveDSM Plan” was approved, which eliminates the existing alignment and the need for right-of-way parcels that have previously been dedicated for the Southwest Connector in favor of a more localized street circulation network; and

**WHEREAS**, on October 4, 2018, the City’s Plan and Zoning Commission will consider a City initiated request for vacation of roadway easements within the property located in the 4701 block of Southwest 63<sup>rd</sup> Street owned by Mid-America Development Company, which easements were dedicated for the undeveloped Southwest Connector project; and

**WHEREAS**, Bell Avenue Properties, Inc. is in the process of acquiring the property located in the 4701 Block of Southwest 63<sup>rd</sup> Street which adjoins the Property and is encumbered by said Permanent Easement for Roadway Right-of-Way – Southwest Connector, and has offered to the City of Des Moines, Iowa, the purchase price of \$170,950.00 for the release of said Permanent Easement for Roadway Right-of-Way – Southwest Connector, subject to any and all conditions required by the City’s Plan and Zoning Commission, which price reflects the fair market value of said release as determined by the City’s Real Estate Division; and

**WHEREAS**, there is no known current or future public need for said Permanent Easement for Roadway Right-of-Way – Southwest Connector proposed to be vacated and released, and the City will not be inconvenienced by the vacation and release of said Permanent Easement for Roadway Right-of-Way – Southwest Connector.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the Permanent Easement for Roadway Right-of-Way – Southwest Connector located east of SW 63<sup>rd</sup> Street and north of McKinley Avenue, legally described as follows:

**Date** September 24, 2018

Easement Area (b), in Airport Industrial Park Plat 1, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, as recorded in Book 12726 pages 294-297 at the Recorder's office of Polk County, Iowa.

2. The City Council of the City of Des Moines, Iowa, further proposes to release the Permanent Easement for Roadway Right-of-Way – Southwest Connector, as legally described and for the consideration identified below, which shall be paid by Bell Avenue Properties, Inc., subject to any and all conditions required by the City's Plan and Zoning Commission:

Consideration: \$170,950.00

Legal Description: Vacated Easement Area (b), in Airport Industrial Park Plat 1, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, as recorded in Book 12726, Pages 294-297 at the Recorder's office of Polk County, Iowa.

3. That the meeting of the City Council at which the adoption of said ordinance vacating said right-of-way and approving the release of such Permanent Easement for Roadway Right-of-Way – Southwest Connector is to be considered shall be on October 8, 2018, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

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.



**Roll Call Number**

**Agenda Item Number**

110A ✓

**Date** September 24, 2018

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

\_\_\_\_\_  
Lisa A. Wieland, Assistant City Attorney

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

**CERTIFICATE**

I, DIANE RAUH, 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