

Date February 11, 2019

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A  
PORTION OF EAST SHAWNEE AVENUE RIGHT-OF-WAY ADJOINING 4101  
AMHERST STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR  
BUILDING ENCROACHMENT TO TRUE BIBLE BAPTIST CHURCH FOR \$168.00**

**WHEREAS**, on August 20, 2018, by Roll Call No. 18-1401, the City Council of the City of Des Moines, Iowa, received and filed a communication from the City Plan and Zoning Commission recommending approval of a request from True Bible Baptist Church for the vacation of a segment of East Shawnee Avenue right-of-way adjoining 4101 Amherst Street (hereinafter "City Right-of-Way") to allow for installation, operation, maintenance, or repair of an ADA accessible entrance ramp with vestibule, and for the continued placement of building mechanical units within the City Right-of-Way, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated; and

**WHEREAS**, True Bible Baptist Church, owner of the adjoining property at 4101 Amherst Street, has offered to the City the purchase price of \$168.00 for the purchase of a Permanent Easement for Building Encroachment, hereinafter more fully described, to allow for encroachment into the City Right-of-Way of an ADA accessible entrance ramp with vestibule and existing building mechanical units, 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 price reflects the fair market value of the Permanent Easement for Building Encroachment as determined by the City's Real Estate Division; and

**WHEREAS**, 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 conveyance of the Permanent Easement for Building Encroachment within said City Right-of-Way.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a segment of East Shawnee Avenue right-of-way adjoining 4101 Amherst Street, more specifically described as follows, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated:

All that part of East Shawnee Avenue Right-of-Way, lying South of Lot 13 in Block 1 in Official Plat of the NE1/4 of the SW1/4 of Section 23, Township 79 North, Range 24 West of the 5th P.M., except the East 830.4 feet of the S1/2 thereof, now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Commencing at the Southeast Corner of said Lot 13; thence South 89°55'05" West, along the South line of said Lot 13, a distance of 18.87 feet, to the Point of Beginning; thence South 00°07'52"



## Roll Call Number

Agenda Item Number

15

Page 2

Date February 11, 2019

East, a distance of 6.00 feet; thence South 89°55'05" West, a distance of 28.00 feet; thence North 00°07'52" West, a distance of 6.00 feet, to a point on the South line of said Lot 13; thence North 89°55'05" East, along the South line of said Lot 13, a distance of 28.00 feet to the Point of Beginning, and containing 168 square feet of land, more or less.

2. That, if the City Council of the City of Des Moines, Iowa, first decides to vacate the above described City Right-of-Way, the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Building Encroachment therein, legally described as follows, to True Bible Baptist Church, for \$168.00, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated:

All that part of Vacated East Shawnee Avenue Right-of-Way, lying South of Lot 13 in Block 1 in Official Plat of the NE1/4 of the SW1/4 of Section 23, Township 79 North, Range 24 West of the 5th P.M., except the East 830.4 feet of the S1/2 thereof, now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Commencing at the Southeast Corner of said Lot 13; thence South 89°55'05" West, along the South line of said Lot 13, a distance of 18.87 feet, to the Point of Beginning; thence South 00°07'52" East, a distance of 6.00 feet; thence South 89°55'05" West, a distance of 28.00 feet; thence North 00°07'52" West, a distance of 6.00 feet, to a point on the South line of said Lot 13; thence North 89°55'05" East, along the South line of said Lot 13, a distance of 28.00 feet to the Point of Beginning, and containing 168 square feet of land, more or less.

3. That the meeting of the City Council at which said vacation and the conveyance is to be considered shall be on February 25, 2019, 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 proposals 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


15

Page 3

Date February 11, 2019

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

APPROVED AS TO FORM:

  
Lisa A. Wieland, Assistant City Attorney

PRW

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

**NE Aurora Ave**

**E Aurora Ave**

**EASEMENT  
LOCATION**

**E 7th St**

**E Shawnee Ave**

**Jerlynn Ave**

**E Madison Ave**

**Amherst St**

**North Union St**

