

Date December 7, 2020

Page 1

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF ASHWORTH PARK LOCATED NORTH OF AND ADJOINING 514 FOSTER DRIVE AND APPROVAL OF A LAND EXCHANGE AGREEMENT WITH DAVID J. STEFFES AND WENDY S. STEFFES

WHEREAS, the City of Des Moines, Iowa, (“City”) is the owner of certain excess parkland located in Ashworth Park and lying north of and adjoining 514 Foster Drive, Des Moines, Iowa (hereinafter “City Parcel”), more particularly described below; and

WHEREAS, David J. Steffes and Wendy S. Steffes, husband and wife, (“Seller”) are the owners of certain property located at the west edge of 514 Foster Drive, Des Moines, Iowa, (hereinafter “Seller Parcel”), more particularly described below; and

WHEREAS, David J. Steffes and Wendy S. Steffes, have offered to the City of Des Moines, Iowa, the Seller Parcel in exchange for the City Parcel in order to assemble said City Parcel with their adjoining property for sideyard uses and to eliminate an existing encroachment of the driveway, subject to a reservation of easements therein; which represents an equitable exchange of value as determined by the City’s Real Estate Division; and

WHEREAS, there is no known current or future public need for the City Parcel proposed to be exchanged and the City will not be inconvenienced by the vacation and conveyance of said City Parcel.

WHEREAS, on November 23, 2020, by Roll Call No. 20-1869, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and exchange be set for hearing on December 7, 2020, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa, and given Mayor Cownie’s March 17, 2020 Proclamation, as amended prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor’s October 16, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, and the City Manager’s decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic public access to the meeting location; and

WHEREAS, due notice of said proposal to vacate and convey the City Parcel was given as provided by law, setting forth the time and place for hearing on said proposal, including how to participate electronically and telephonically; and

WHEREAS, in accordance with City Council direction, those interested in the proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

Date December 7, 2020

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of street and alley right-of-way and the adjoining excess City property as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the City Parcel proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of a portion of Ashworth Park lying north of and adjoining 514 Foster Drive, Des Moines, Iowa legally described as follows, subject to the reservation of easements therein, and said vacation is hereby approved:

City Parcel:

A PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER LOT 34, LINDEN HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 87°(DEGREES) 59'(MINUTES) 18"(SECONDS) WEST ALONG THE NORTH LINE OF SAID LOT 34, A DISTANCE OF 250.14 FEET; THENCE NORTH 0°03'50" EAST, 30.02 FEET; THENCE SOUTH 87°59'18" EAST, 250.14 FEET; THENCE SOUTH 0°03'50" WEST, 30.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.17 ACRES (7504 SQ. FT.)

3. The proposed exchange of the vacated parkland described above for property of equal value owned by David J. Steffes and Wendy S. Steffes located at the west edge of 514 Foster Drive, as legally described below, is hereby approved:

Seller Parcel:

THE WEST 45.00 FEET OF LOTS 34 AND "E", LINDEN HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 0.34 ACRES (14943 SQUARE FEET).

4. Upon receipt of the executed Warranty Deed from Seller to the City for the Seller Parcel, the Mayor is authorized and directed to sign the Land Exchange Agreement, Quit Claim Deed, and acceptance of the Warranty Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon proof of payment of the consideration, plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of

Date December 7, 2020

this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and a copy of the other documents to the grantee.

8. There are no proceeds associated with this transaction.

(Council Communication No. 20-523)

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Lisa A. Wieland, Assistant City Attorney

psw

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