

Date November 7, 2022

CONTINUED HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF EAST JEFFERSON AVENUE RIGHT-OF-WAY AND CONVEYANCE, ALONG WITH ADDITIONAL EXCESS CITY PROPERTY, ALL LOCATED NORTH OF AND ADJOINING 1626 DIXON STREET, TO LIBERTY HOLDINGS, INC. FOR \$13,725

WHEREAS, on August 18, 2022, the City Plan and Zoning Commission voted to recommend to the City of Des Moines City Council the approval of a request from Liberty Holdings, Inc. to vacate the easternmost 255 lineal feet of East Jefferson Avenue right-of-way located west of Dixon Street and adjoining 1626 Dixon Street, Des Moines, Iowa, subject to the reservation of any necessary easements for all existing utilities in place until abandoned or relocated at the applicant's expense; and

WHEREAS, Liberty Holdings, Inc., owner of 1626 Dixon Street, has offered to the City of Des Moines ("City") the purchase price of \$13,725.00 for the purchase of a portion of vacated East Jefferson Avenue right-of-way, and a portion of excess City property, all adjoining their property, (hereinafter "Property") for assemblage with its adjoining property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the fair market value of the City Property as determined by the City's Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the street right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation of said Property and conveyance of a portion of said vacated right-of-way, and a portion of excess City property, to Liberty Holdings, Inc.; and

WHEREAS, on September 12, 2022, by Roll Call No. 22-1405, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance be set for hearing on October 3, 2022, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, on October 3, 2022, by Roll Call No. 22-1548, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation hearing be continued to November 7, 2022, to allow both east and west portions of East Jefferson to be vacated and conveyed at the same City Council meeting; and

WHEREAS, due notice of said proposal to vacate the East Jefferson Avenue right-of-way and convey a portion of said right-of-way, and additional excess City property all adjoining 1626 Dixon Street, was given as provided by law, setting forth the time and place for hearing on said proposal; 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 November 7, 2022

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, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the east-west East Jefferson Avenue right-of-way located west of Dixon Street and adjoining 1626 Dixon Street, legally described as follows, and said vacation is hereby approved:

ALL THAT PART OF EAST JEFFERSON AVENUE RIGHT OF WAY LYING BETWEEN THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 12 IN BLOCK 6 AND THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 12 IN BLOCK 8, ALL IN T.E. BROWN'S OFFICIAL PLAT OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE NORTHEAST 40 ACRES), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.73 ACRES (31,750 SQUARE FEET).

3. The proposed sale of a portion of the vacated East Jefferson Avenue right-of-way, and additional excess City property, all adjoining 1626 Dixon Street, as legally described below and to the grantee and for the consideration identified below, subject to reservation of easements therein, and said conveyance is hereby approved:

Grantee: Liberty Holdings, Inc.
Consideration: \$13,725.00
Legal Description:

ALL THAT PART OF VACATED EAST JEFFERSON AVENUE RIGHT OF WAY LYING BETWEEN THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 12 IN BLOCK 6 AND THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT G (VACATED DIXON COURT);

AND,

THE WEST HALF (W 1/2) OF LOT I (VACATED DIXON COURT) LYING EAST OF AND ADJOINING LOT 1 OF BLOCK 9, ALL IN T.E. BROWN'S OFFICIAL PLAT OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE NORTHEAST 40 ACRES), AN OFFICIAL PLAT,

ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.35 ACRES (15,250 SQUARE FEET).

Date November 7, 2022

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim 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 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. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

Mackenzie L. Moreno, Assistant City Attorney

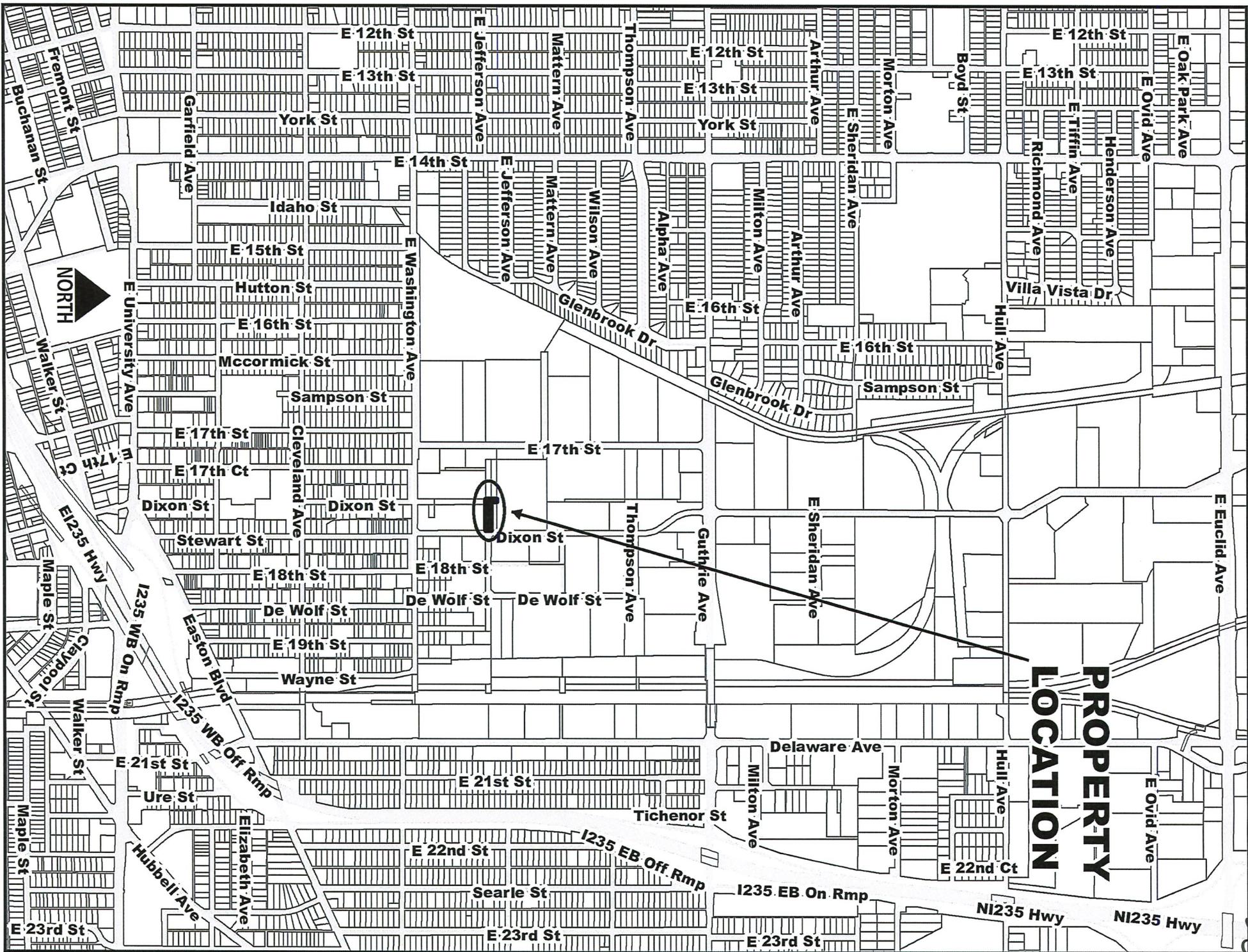
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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



**PROPERTY
LOCATION**

22

Date November 7, 2022

Agenda Item 38

Roll Call # _____

August 29, 2022

Communication from the City Plan and Zoning Commission advising that at their August 18, 2022 meeting, the following action was taken regarding a request from Liberty Holdings Inc (owner, 1626 Dixon Street), represented by Jeff Tucker (officer), regarding the vacation of the easternmost 255 lineal feet of the east/west right-of-way of East Jefferson Avenue, located to the West of Dixon Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel				X
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Todd Garner				X
Johnny Alcivar	X			
Justyn Lewis	X			
Carolyn Jenison	X			
William Page				X
Andrew Lorentzen				X
Emily Webb	X			

APPROVAL of the requested vacation, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

Written Responses

2 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to vacate this segment of the right-of-way to be able to acquire and maintain the area. This segment of the right-of-way has experienced vandalism and illegal trash disposal.
2. **Size of Site:** The requested right-of-way segment consists of approximately 12,871 square feet of area (255 feet by 50.4 feet).
3. **Existing Zoning (site):** "I2" Industrial District.
4. **Existing Land Use (site):** The subject area consists of undeveloped public right-of-way.
5. **Adjacent Land Use and Zoning:**

North – "I2"; Use is office and warehouse.

South – "I2"; Uses are industrial.
6. **General Neighborhood/Area Land Uses:** The subject segment of right-of-way is located to the west of the intersection of East Jefferson Avenue and Dixon Street. It is located within an area consisting of large scale industrial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not within 250 feet of a designated Neighborhood Association. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on July 29, 2022, and by mailing of the Final Agenda on August 12, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on August 8, 2022 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the request right-of-way.

All agendas are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association.
8. **Relevant Zoning History:** NA
9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Industrial.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to vacate land dedicated for a

specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** There is existing storm sewer conduit within the requested right-of-way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. **Traffic/Access:** The requested vacation would not negatively impact access to the surrounding public and private properties or existing traffic patterns.

SUMMARY OF DISCUSSION

Emily Webb asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Abby Chungath made a motion for approval of the requested vacation, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

Motion passed: 10-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 7/28/2022

1 inch = 82 feet

E 17th St



BLOCK 8

T.E. BROWN'S OP
OF NE 1/4 36-79-24
-EX NE 40AC-

BLOCK 7

E Jefferson Ave

NORTHERLY
EXTENSION OF
CENTERLINE
OF LOT G

E Washington Ave

Kinsey Ave

Dixon Ct

LOT G

BLOCK 6

EAST LINE
OF LOT 12

LOT 12

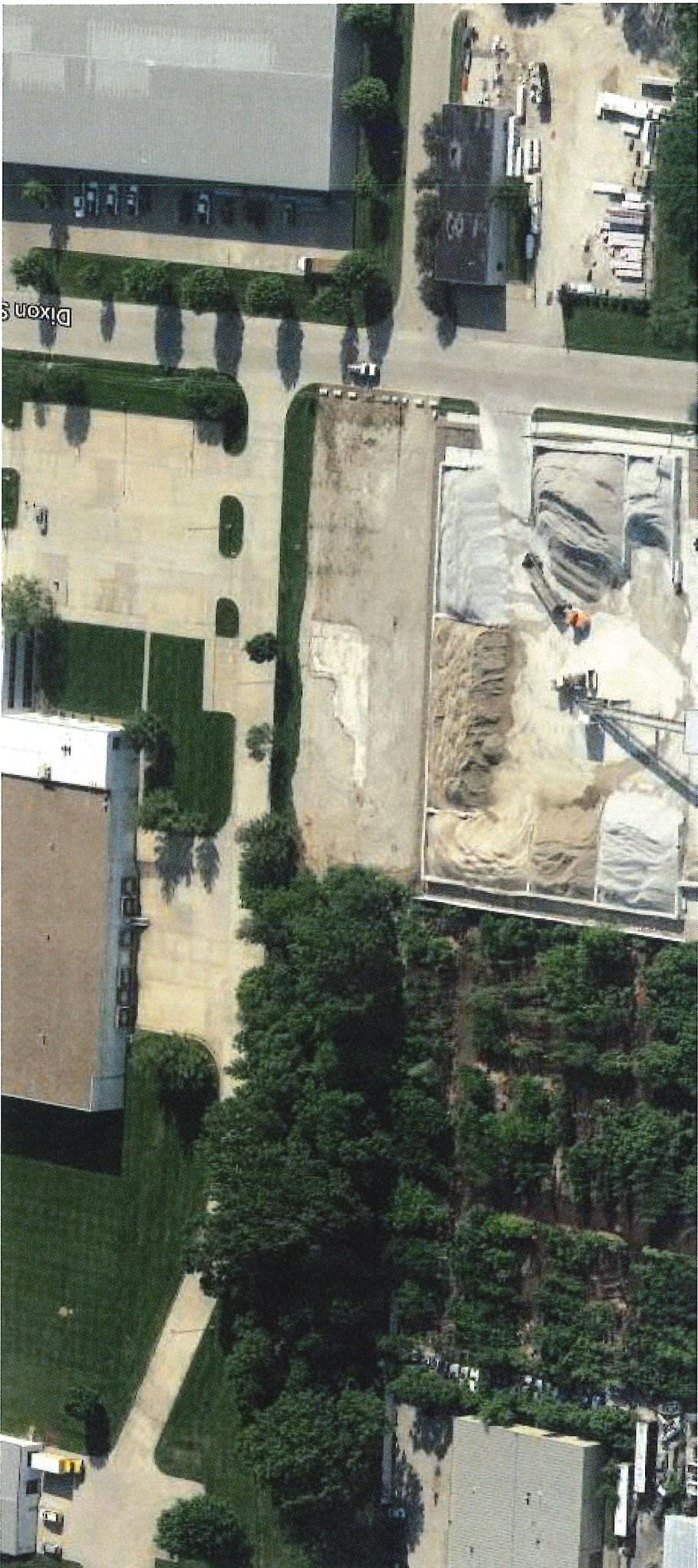
Dixon St

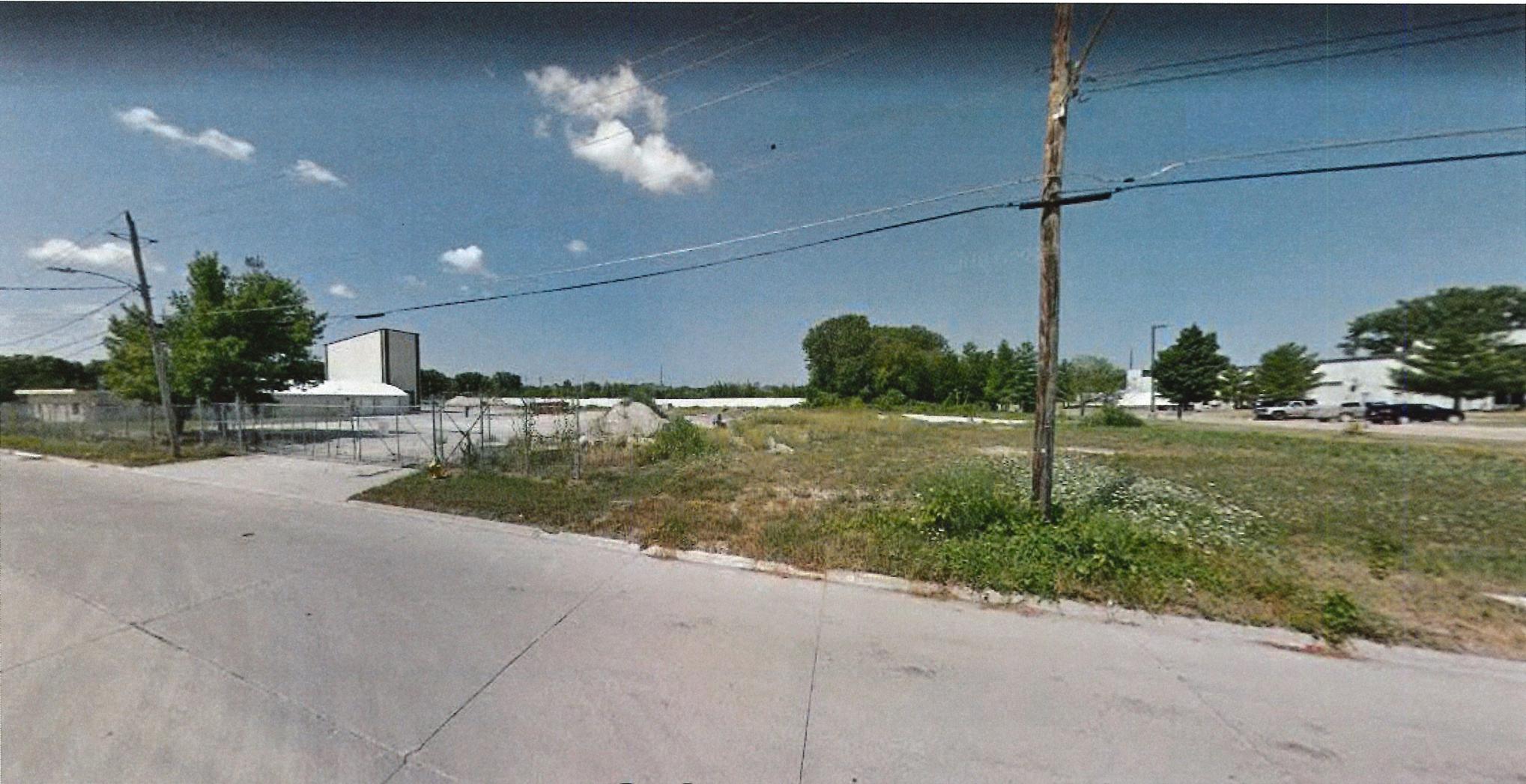
EXHIBIT A

Legend



AREA TO BE VACATED





Item: ROWV-2022-000020 Date: _____

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 AUG 17 2022

Signature: Jack Houghton

Name: Jack Houghton

Address: 12814 Cardinal Lane

Reason for opposing or approving this request may be listed below:

Item: ROWV-2022-000020 Date: 08/10/2022

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 AUG 17 2022

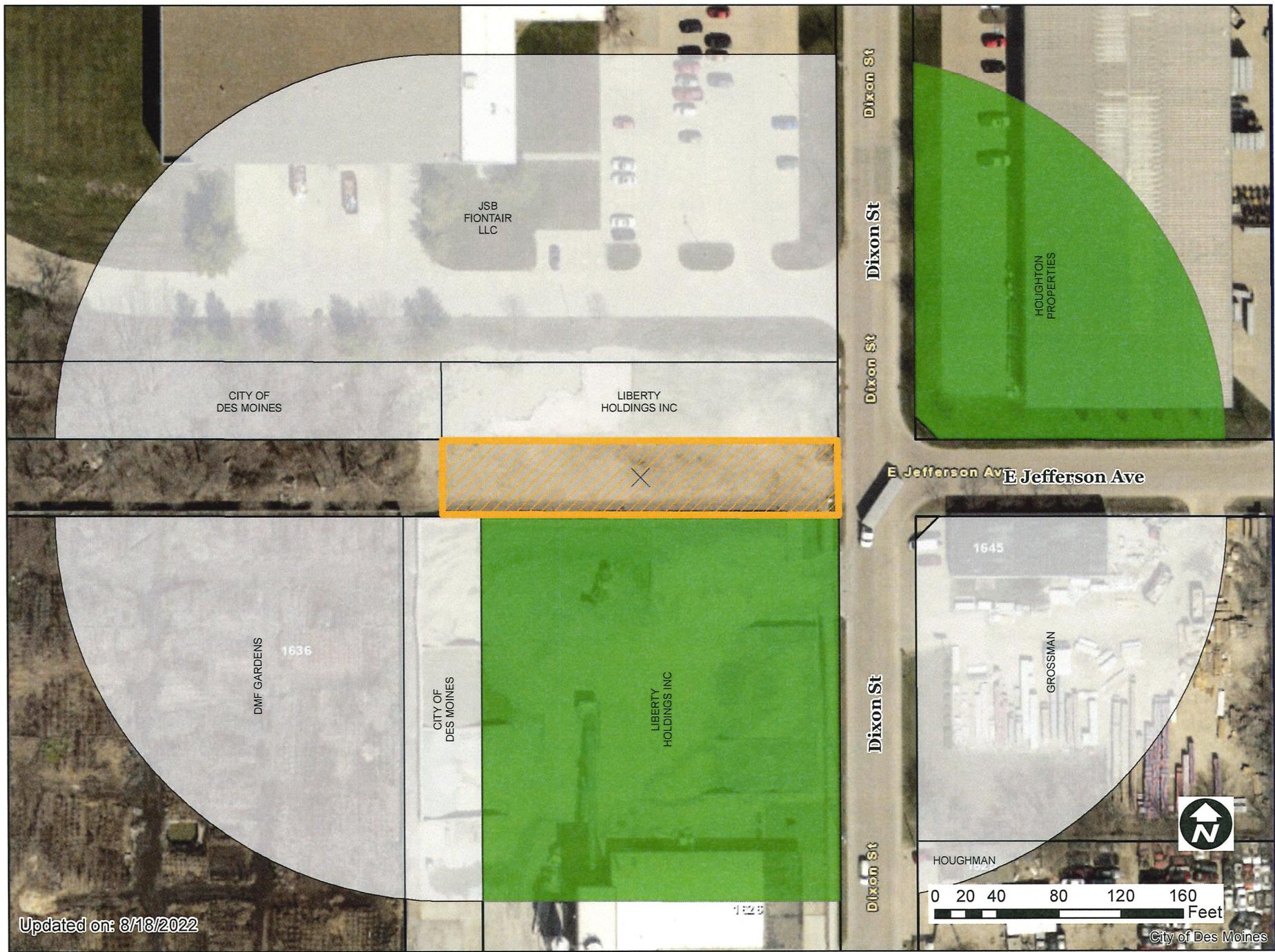
Signature: Rob Woodman

Name: Liberty Holdings Inc

Address: 12012 Ridgemont Drive Urbandale, IA 50323

Reason for opposing or approving this request may be listed below:

Owner 1626 Dixon St



Updated on: 8/18/2022

1 inch = 82 feet