

Date October 23, 2023

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF
SUBSURFACE RIGHTS WITHIN LOCUST STREET RIGHT-OF-WAY ADJOINING
1716 LOCUST STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR
SUBSURFACE BUILDING ENCROACHMENT ON CITY-OWNED PROPERTY TO
MEREDITH OPERATIONS CORPORATION FOR \$4,700**

WHEREAS, Meredith Operations Corporation, represented by Jeff R. Buscher, Director, Des Moines Building Services, Dotdash Meredith, has requested the vacation of a portion of Locust Street right-of-way located north of and adjoining its property at 1716 Locust Street, which request was not presented to the City’s Plan and Zoning Commission for review and has instead 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), 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, Meredith Operations Corporation, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$4,700.00 for the purchase of a Permanent Easement for Subsurface Building Encroachment On City-Owned Property (“Easement”) below the portion of Locust Street right-of-way located north of and adjoining its property at 1716 Locust Street (hereinafter “Easement Area”), for the purpose of operating and maintaining an existing subsurface building encroachment into the Locust Street right-of-way; which price reflects the fair market value of the Easements as determined by the City’s Real Estate Division; and

WHEREAS, there is no known current or future 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 the conveyance of the Easement in such vacated right-of-way.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating subsurface rights within a portion of Locust Street right-of-way located north of and adjoining 1716 Locust Street, legally described as follows:

THE SOUTHERLY 12.50 FEET OF LOCUST STREET RIGHT OF WAY ADJOINING THE WEST 113.00 FEET OF THE EAST 246.00 FEET OF LOT 1, MEREDITH PLACE, PLAT ONE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING (1,412 SQUARE FEET) 0.03 ACRES, MORE OR LESS.

2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Subsurface Building Encroachment On City-Owned Property in such vacated right-of-way, as legally described below, to Meredith Operations Corporation for \$4,700.00 subject to any and all easements, restrictions and covenants of record.



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3. That the meeting of the City Council at which the adoption of said vacation ordinance and the sale and conveyance of such permanent easement is to be considered shall be on November 6, 2023, 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. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

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.

Moved by _____ to adopt. Second by _____

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
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

