

Date April 6, 2026

HOLD HEARING FOR CONVEYANCE OF CITY-OWNED RIGHT-OF-WAY, EXCESS CITY PROPERTY, PERMANENT EASEMENT FOR UTILITY PURPOSES, AND TEMPORARY CONSTRUCTION EASEMENT AS PART OF THE SOUTHEAST 14TH STREET CORRIDOR IMPROVEMENTS PROJECT TO THE STATE OF IOWA FOR \$1

WHEREAS, the City of Des Moines, Iowa (“City”) is the owner of right-of-way and excess property located between Martin Luther King, Jr. Parkway to the north, the Des Moines River to the south, Southeast 11th Street to the west and Southeast 15th Street to the east (hereinafter “Property”), and

WHEREAS, Iowa Department of Transportation (“IDOT”) has requested that the City convey portions of Southeast 14th Street right-of-way, City-owned excess land, an Easement for Utility Purposes, and a temporary construction easement on said property to the State of Iowa, for the public purpose of the Southeast 14th Street Corridor Improvements project (hereinafter “Project”), 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, IDOT has agreed to acquire the Property for no consideration in accordance with Iowa Code §364.7(3) for the public purpose of construction of the Project; and

WHEREAS, the property interests proposed to be conveyed will continue to be used for a public purpose and the City will not be inconvenienced by the conveyance of said Property; and

WHEREAS, on March 23, 2026, by Roll Call No. ~~26-0369~~, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set for hearing on April 6, at 5:00 p.m., in the City Council Chamber, T.M. Franklin Cownie City Administration Building, 1200 Locust Street, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to convey the Property was given to all necessary parties 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 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.

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 conveyance of portions of Southeast 14th Street right-of-way, City-owned excess land, an Easement for Utility Purposes, and a temporary construction easement all located in City-owned property lying between Martin Luther King, Jr. Parkway to the north, the Des Moines River to the south,

.....
Date April 6, 2026.....

Southeast 11th Street to the west and Southeast 15th Street to the east, as described herein, are hereby overruled and the hearing is closed.

2. That the conveyance will continue to be utilized as right-of-way and therefore will not impede or cause inconvenience to the public by reason of the conveyance of portions of Southeast 14th Street right-of-way, City-owned excess land, an Easement for Utility Purposes, and a temporary construction easement all located in City-owned property lying between Martin Luther King, Jr. Parkway to the north, the Des Moines River to the south, Southeast 11th Street to the west and Southeast 15th Street to the east, as legally described below, to the State of Iowa for no consideration and in accordance with Iowa Code §364.7(3), subject to reservation of easements therein, be and is hereby approved:

QUIT CLAIM DEED:

A parcel of land in vacated Harriet Street and Block 7 of Allen's Second Addition to Des Moines (as found in the Polk County Recorder's Office in book "B" on page 50) located in the SE¹/₄ of the NE¹/₄ of Section 10, Township 78 North, Range 24 West of the 5th Principal Meridian within the City of Des Moines, Polk County, Iowa as shown on Acquisition Plat Exhibit "A" Plat 1, attached hereto, which by this reference is made a part hereof, more particularly described as follows:

Commencing at the E¹/₄ of said Section 10; thence N00°01'57"W, 394.41 feet on the east line of NE¹/₄ of said Section 10; thence S89°58'03"W, 66.12 feet to the Point of Beginning; thence N89°49'20"W, 10.00 feet to the existing westerly right of way line of Primary Road No. U.S. 69; thence N00°01'13"W, 436.77 feet to the north line of said Block 7 also being the existing southerly right of way line of East Railroad Avenue; thence N74°51'26"E, 16.61 feet on the north line of said Block 7 also being on said existing southerly right of way line; thence S00°45'47"W, 441.18 feet to the Point of Beginning, containing 5,707 square feet of which 4,398 square feet is within existing road right of way.

And

Two parcels of land in Block 62 of Brooks and Co's Addition to the City of Des Moines (as found in the Polk County Recorder's Office in book "A" on page 58) located in the NW¹/₄ of the NW¹/₄ and the SW¹/₄ of the NW¹/₄ all in Section 11, Township 78 North, Range 24 West of the 5th Principal Meridian within the City of Des Moines, Polk County, Iowa as shown on Acquisition Plat Exhibit "A" Plat 2 and Plat 3, attached hereto, which by this reference is made a part hereof, more particularly described as follows:

Plat 2: Commencing at the NW corner of said Section 11; thence S00°01'57"E, 1,144.36 feet on the west line of the NW¹/₄ of said Section 11; thence S89°51'44"E, 22.80 feet to the Point of Beginning; thence, continuing, S89°51'44"E, 24.20 feet to the NW corner of Lot 81 of Gray's Subdivision of Blocks 50 & 62 of Brooks and Co's Addition to Des Moines (as found in the Polk County Recorder's Office in book "C" on page 330) also being a point on the existing easterly

.....
Date April 6, 2026

right of way line of Primary Road No. U.S. 69; thence S36°26'10"W, 9.93 feet on said existing easterly right of way line; thence S00°10'41"W, 117.00 feet on said existing easterly right of way line; thence S04°50'08"W, 149.77 feet on said existing easterly right of way line; thence N89°51'44"W, 6.11 feet on said existing easterly right of way line; thence N00°09'54"E, 274.27 feet to the Point of Beginning, containing 4,134 square feet, all of which is within existing road right of way.

Plat 3: Commencing at the NW corner of said Section 11; thence S00°01'57"E, 1,418.63 feet on the west line of the NW¼ of said Section 11; thence S89°51'44"E, 21.85 feet to the existing easterly right of way line of Primary Road No. U.S. 69, the Point of Beginning; thence S89°51'44"E, 6.11 feet on said existing easterly right of way line; thence N04°48'32"E, 40.40 feet on said existing easterly right of way line; thence S89°51'44"E, 15.63 feet to the NW corner of Lot 87 of Gray's Subdivision of Blocks 50 and 62 of Brooks and Co's Addition to Des Moines (as found in the Polk County Recorder's Office in book "C" on page 330); thence S00°01'57"E, 520.00 feet on the west lines of Lot 87 through Lot 99 of said Gray's Subdivision of Blocks 50 and 62 of Brooks and Co's Addition to Des Moines to the SW corner of Lot 99 of said Gray's Subdivision of Blocks 50 and 62 of Brooks and Co's Addition to Des Moines said corner of said Lot 99 also being on said existing easterly right of way line; thence N89°51'44"W, 26.80 feet on said existing easterly right of way line; thence N00°09'54"E, 479.73 feet on said existing easterly right of way line to the Point of Beginning, containing 13,158 square feet.

And

A parcel of land in Lot 6 and Lot 7 of Block 17 of Allen's Second Addition to Des Moines (as found in the Polk County Recorder's Office in book "B" on page 50) located in the NE¼ of the NE¼ of Section 10, Township 78 North, Range 24 West of the 5th Principal Meridian within the City of Des Moines, Polk County, Iowa as shown on Acquisition Plat Exhibit "A" Plat 4 attached hereto, which by this reference is made a part hereof, more particularly described as follows:

Commencing at the NE Corner of said Section 10; thence S00°01'57"E, 655.21 feet on the east line of the NE¼ of said Section 10; thence S89°58'03"W, 76.41 feet to the NE corner of said Lot 7, said point also being on the existing southerly right of way line of Shaw Street and the existing westerly right of way line of Primary Road No. U.S. 69, the Point of Beginning; thence S74°39'11"W, 20.18 feet on the north line of said Lot 7 also being on said existing southerly right of way line; thence S00°10'40"W, 58.07 feet; thence S16°36'10"E, 69.28 feet; thence N74°51'26"E, 13.80 feet to said existing westerly right of way line; thence N00°01'57"W, 76.21 feet on said existing westerly right of way line to the east line of said Lot 7; thence N15°02'39"W, 51.76 feet on the east line of said Lot 7 also being on said existing westerly right of way line to the Point of Beginning, containing 3,220 square feet.

Date April 6, 2026

EASEMENT FOR UTILITY PURPOSES:

A parcel of land in Block 7 of Allen's Second Addition to Des Moines (as found in the Polk County Recorder's Office in book "B" on page 50) located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, Township 78 North, Range 24 West of the 5th P. M. within the City of Des Moines, Polk County, Iowa as shown on Acquisition Plat Exhibit "A", attached hereto, which by this reference is made a part hereof, more particularly described as follows:

Commencing at the E $\frac{1}{4}$ corner of said Section 10; thence N00°01'57"W, 741.48 feet on the east line of the NE $\frac{1}{4}$ of said Section 10; thence S89°58'03"W, 76.05 feet to the Point of Beginning; thence N89°49'20"W, 15.31 feet; thence S00°10'40"W, 16.00 feet; thence S89°49'20"E, 15.37 feet; thence N00°01'13"W, 16.00 feet to the Point of Beginning, containing 245 square feet.

TEMPORARY CONSTRUCTION EASEMENT:

AREA 1 – Plot plan 1

A PORTION OF BLOCK 7 AND 8 IN ALLEN'S SECOND ADDITION TO DES MOINES, IOWA, AND A PORTION OF VACATED HARRIET STREET LYING BETWEEN SAID BLOCKS 7 AND 8, ALL NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AREA 2 – Plot plan 1

A PORTION OF LOT 7 IN BLOCK 17 OF ALLEN'S SECOND ADDITION TO DES MOINES, IOWA, AND A PORTION OF VACATED EAST/WEST ALLEY LYING SOUTH OF SAID LOT 7, ALL NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AREA 3 – Plot plan 1

A PORTION OF LOTS 8, 9 AND 10 IN BLOCK 13 OF ALLEN'S SECOND ADDITION TO DES MOINES, IOWA, AND A PORTION OF VACATED ALLEN STREET LYING NORTH OF SAID LOT 10, ALL NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

4. The Mayor is authorized and directed to sign the Quit Claim Deed, Permanent Easement for Utility Purposes and Purchase Agreement for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

4. The City Manager is authorized to sign any minor and non-substantial amendments to the Purchase Agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.

5. The City Clerk is authorized and directed to forward the original of the Quit Claim Deed, Permanent Easement for Utility Purposes and Purchase Agreement, together with a certified copy of this resolution

Date April 6, 2026

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, Permanent Easement for Utility Purposes, and Purchase Agreement, 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, Permanent Easement for Utility Purposes, and Purchase Agreement, and a copy of the other documents to the grantee.

8. There will be no proceeds associated with the conveyance of this property.

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Grant Hyland
Grant Hyland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
BARRON				
WESTERGAARD				
MANDELBAUM				
GATTO				
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

