



Roll Call Number

18-0047

Agenda Item Number

26

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Date January 8, 2018

SET HEARING FOR VACATION OF A PORTION OF DES MOINES STREET RIGHT-OF-WAY ADJOINING 621 DES MOINES STREET AND CONVEYANCE OF AN EASEMENT FOR BUILDING ENCROACHMENT TO SARI D. BASSMAN, TRUSTEE OF THE JEROME T. BASSMAN AND SARI D. BASSMAN IRREVOCABLE TRUST DATED SEPTEMBER 25, 2012 FOR \$5,040.00

WHEREAS, on December 18, 2017, by Roll Call No. 17-2164, 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 Optimae Lifeservices, Inc. for the vacation of a segment of the south 6 feet of Des Moines Street right-of-way adjoining 621 Des Moines Street (hereinafter "City Right-of-Way") to allow for permanent encroachment of a deck addition, two entrance door swings, and a planter area into 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.

WHEREAS, Sari D. Bassman, Trustee of the Jerome T. Bassman and Sari D. Bassman Irrevocable Trust dated September 25, 2012, owner of the adjoining property at 621 Des Moines Street, has offered to the City the purchase price of \$5,040.00 for the purchase of a Permanent Easement For Building Encroachment in said City Right-of-Way, hereinafter more fully described, to allow for encroachment into the City Right-of-Way of a deck addition, two entrance door swings, and a planter area, which price reflects the fair market value of the Permanent Easement For Building Encroachment within City Right-of-Way 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 sold, and the public would not be inconvenienced by reason 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 portion of Des Moines Street right-of-way adjoining 621 Des Moines Street, more specifically described as follows:

The South Six (6) Feet of Des Moines Street right-of-way lying north of and adjoining Lot 3, Block 20, EAST FORT DES MOINES, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; and containing 480 square feet;

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, as legally described as follows, to Sari D. Bassman, Trustee of the Jerome T. Bassman and Sari D. Bassman Irrevocable Trust dated September 25, 2012, for \$5,040.00:



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The vacated South Six (6) Feet of Des Moines Street right-of-way lying north of and adjoining Lot 3, Block 20, EAST FORT DES MOINES, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; and containing 480 square feet

- 3. That the meeting of the City Council at which said vacation and the conveyance is to be considered shall be on January 22, 2018, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, 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.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

T.M. Franklin 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.

Diane Rauh City Clerk