



**Roll Call Number**

18-1501

**Agenda Item Number**

18

**Date** September 10, 2018

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT ON CITY-OWNED PROPERTY ADJOINING 3764 HUBBELL AVENUE TO 2KEY, L.L.C. FOR THE HUBBELL AVENUE IMPROVEMENTS – E. 33<sup>RD</sup> STREET TO E. 38<sup>TH</sup> STREET PROJECT**

**WHEREAS**, on May 22, 2017, by Roll Call No. 17-0859, the City Council of the City of Des Moines, Iowa authorized the acquisition by gift, negotiation, or eminent domain, of the necessary property interests required for the Hubbell Avenue Improvements – E. 33<sup>rd</sup> Street to E. 38<sup>th</sup> Street Project (hereinafter “Project”); and

**WHEREAS**, acquisition of a portion of the property located at 3764 Hubbell Avenue currently owned by 2KEY, L.L.C. will require closing their existing access to Hubbell Avenue; and

**WHEREAS**, the City of Des Moines, Iowa, (“City”) is the owner of certain real estate located north of Hubbell Avenue, and west of and adjoining 3764 Hubbell Avenue (hereinafter “Property”), more particularly described below; and

**WHEREAS**, the City proposes to grant 2KEY, L.L.C. a Permanent Easement for \$1.00 upon said Property to allow permanent ingress and egress as well as all other uses related to the operation, maintenance and expansion needs of the adjoining property at 3746 Hubbell Avenue, which price reflects said easement is necessary in order to resolve the lack of access created by the Project; and

**WHEREAS**, the Permanent Easement will require 2KEY, L.L.C. to be solely responsible for all activities related to and the costs of maintenance of the Property and all adjoining right-of-way border areas and sidewalks in accordance with all applicable Municipal Codes of the City of Des Moines, Iowa; and

**WHEREAS**, the City has no known current or anticipated public need for the Property, and the public would not be inconvenienced by reason of the conveyance of a Permanent Easement within said Property.

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

1. The City Council of the City of Des Moines, Iowa, proposes to convey a Permanent Easement upon City-owned property located north of Hubbell Avenue, and west of and adjoining 3764 Hubbell Avenue, as legally described below, to 2KEY, L.L.C., as part of the Hubbell Avenue Improvements – E. 33<sup>rd</sup> Street to E. 38<sup>th</sup> Street Project:

A PART OF THE EAST 15 ACRES OF THE WEST 30 ACRES OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 20, TOWNSHIP 79 NORTH, RANGE 23 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:



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COMMENCING AT THE NORTHWEST CORNER OF PARCEL "A" OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 7173, PAGE 686; THENCE SOUTH 0°(DEGREES) 06'(MINUTES) 06"(SECONDS) EAST ALONG THE WESTERLY LINE OF SAID PARCEL "A", 165.07 FEET TO A CORNER OF SAID PARCEL "A" AND ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 89°27'11" EAST ALONG THE SOUTHERLY LINE OF SAID PARCEL "A", 82.06 FEET; THENCE SOUTH 2°09'48" WEST ALONG SAID PARCEL "A"; 25.38 FEET TO A POINT BEING 55.00 FEET NORTHWESTERLY OF AND PERPENDICULAR TO THE CENTERLINE OF HUBBELL AVENUE, AS PRESENTLY ESTABLISHED; THENCE SOUTH 54°52'02" WEST ALONG A LINE BEING 55.00 FEET NORTHWESTERLY OF AND PARALLEL TO SAID CENTERLINE, 52.15 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 31.00 FEET, WHOSE ARC LENGTH IS 10.16 FEET AND WHOSE CHORD BEARS NORTH 54°34'32" WEST, 10.11 FEET; THENCE NORTH 63°57'47" WEST, 10.00 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 24.00 FEET, WHOSE ARC LENGTH IS 12.08 FEET AND WHOSE CHORD BEARS NORTH 49°32'53" WEST, 11.95 FEET; THENCE NORTH 35°07'58" WEST, 36.90 FEET; THENCE NORTH 54°52'02" EAST, 11.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.08 ACRES (3374 SQ. FT.)

- 2. A public hearing shall be held on September 24, 2018, 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.
3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. There will be no proceeds associated with the conveyance of this Permanent Easement.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Signature of Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAAARD.

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.

Signature of M. Frank Cownie

Signature of Diane Rauh, City Clerk