



Roll Call Number

19-1208

Agenda Item Number

25

Date August 5, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF THOMAS BECK ROAD RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 1235 THOMAS BECK ROAD AND CONVEYANCE TO FIRST MIDWEST OF IOWA CORPORATION D/B/A POMERANTZ REALTY CO. FOR \$4,040.00

WHEREAS, on April 22, 2019 the Plan and Zoning Commission voted to recommend approval of a request from First Midwest of Iowa Corporation d/b/a Pomerantz Realty Co. to vacate an irregular segment of the north edge of Thomas Beck Road adjoining 1235 Thomas Beck Road, to allow for reconfiguration of the off-street parking lot in front of the building and mitigate off-street parking encroachments, subject to reservation of easements for any existing utilities; and

WHEREAS, First Midwest of Iowa Corporation d/b/a Pomerantz Realty Co., owner of 1235 Thomas Beck Road, has offered to the City of Des Moines ("City") the purchase price of \$4,040.00 for the purchase of the portion of vacated right-of-way located south of and adjoining 1235 Thomas Beck Road (hereinafter "Property"), to allow for assemblage with its adjoining property for reconfiguration of the off-street parking lot in front of the building in order to mitigate off-street parking encroachments, which price reflects the fair market value of the Property as determined by the City's Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be sold, subject to reservation of easements therein, and the City will not be inconvenienced by the vacation and sale of said Property.

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

- 1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating an irregular segment of the north edge of Thomas Beck Road adjoining 1235 Thomas Beck Road, Des Moines, Iowa, legally described as follows:

A PART OF LOT 14 OF THE OFFICIAL PLAT OF SECTION 16, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND ALSO BEING A PART OF THOMAS BECK ROAD RIGHT OF WAY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 00°20'43" WEST ALONG THE EAST LINE OF SAID LOT 14, A DISTANCE OF 287.30 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID THOMAS BECK ROAD; THENCE SOUTH 45°27'40" WEST ALONG SAID NORTHERLY LINE, 46.32 FEET; THENCE SOUTH 46°14'19" WEST CONTINUING ALONG SAID NORTHERLY LINE, 289.62 FEET; THENCE SOUTHWESTERLY CONTINUING ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1816.89 FEET, WHOSE ARC LENGTH IS 160.14 FEET AND WHOSE CHORD BEARS SOUTH 48°41'00" WEST, 160.08 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 38°19'08" EAST, 14.00 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1830.89 FEET, WHOSE ARC LENGTH IS 24.92 FEET AND WHOSE CHORD BEARS SOUTH 51°36'07" WEST, 24.92 FEET; THENCE SOUTH 57°35'20" WEST, 146.46 FEET; THENCE NORTH 35°10'41" WEST, 4.70 FEET TO SAID NORTHERLY LINE; THENCE NORTH 54°49'19" EAST ALONG SAID NORTHERLY LINE, 59.15 FEET; THENCE NORTHEASTERLY CONTINUING ALONG SAID NORTHERLY LINE AND



Roll Call Number

19-1208

Agenda Item Number

25

Date August 5, 2019

A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1816.89 FEET, WHOSE ARC LENGTH IS 111.33 FEET AND WHOSE CHORD BEARS NORTH 52°57'49" EAST, 111.31 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.04 ACRES (1,616 SQUARE FEET).

- 2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated street right-of-way, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements for utilities therein:

Grantee: First Midwest of Iowa Corporation d/b/a Pomerantz Realty Co.

Consideration: \$4,040.00

Legal Description: A PART OF LOT 14 OF THE OFFICIAL PLAT OF SECTION 16, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND ALSO BEING A PART OF VACATED THOMAS BECK ROAD RIGHT OF WAY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 00°20'43" WEST ALONG THE EAST LINE OF SAID LOT 14, A DISTANCE OF 287.30 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID THOMAS BECK ROAD; THENCE SOUTH 45°27'40" WEST ALONG SAID NORTHERLY LINE, 46.32 FEET; THENCE SOUTH 46°14'19" WEST CONTINUING ALONG SAID NORTHERLY LINE, 289.62 FEET; THENCE SOUTHWESTERLY CONTINUING ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1816.89 FEET, WHOSE ARC LENGTH IS 160.14 FEET AND WHOSE CHORD BEARS SOUTH 48°41'00" WEST, 160.08 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 38°19'08" EAST, 14.00 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1830.89 FEET, WHOSE ARC LENGTH IS 24.92 FEET AND WHOSE CHORD BEARS SOUTH 51°36'07" WEST, 24.92 FEET; THENCE SOUTH 57°35'20" WEST, 146.46 FEET; THENCE NORTH 35°10'41" WEST, 4.70 FEET TO SAID NORTHERLY LINE; THENCE NORTH 54°49'19" EAST ALONG SAID NORTHERLY LINE, 59.15 FEET; THENCE NORTHEASTERLY CONTINUING ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1816.89 FEET, WHOSE ARC LENGTH IS 111.33 FEET AND WHOSE CHORD BEARS NORTH 52°57'49" EAST, 111.31 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.04 ACRES (1,616 SQUARE FEET).

- 3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such street right-of-way is to be considered shall be August 19, 2019, 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.
- 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.

★ Roll Call Number
19-1208

Agenda Item Number
25

Date August 5, 2019

Moved by Gatto to adopt.

APPROVED AS TO FORM:

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

psw

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

J. M. Frankin Cownie 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