



Roll Call Number

19-1487

Agenda Item Number

20

Date September 23, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF PROPERTY PURCHASED FOR THE HUBBELL AVENUE IMPROVEMENTS – EAST 33RD STREET TO EAST 38TH STREET PROJECT TO THE STATE OF IOWA, FOR THE BENEFIT AND USE OF THE IOWA DEPARTMENT OF TRANSPORTATION (IDOT)

WHEREAS, on May 22, 2017, by Roll Call No. 17-0859, the City Council authorized acquisition of the necessary property interests for the Hubbell Avenue Improvements – East 33rd Street to East 38th Street Project (“Project”) by gift, negotiation, or condemnation; and

WHEREAS, on April 9, 2018, by Roll Call No. 18-0551, the City Council approved and authorized the execution of the Iowa Department of Transportation Agreement for the Hubbell Avenue Reconstruction from Euclid Avenue to East 38th Street Project (Agreement No. 2018-17-118); and

WHEREAS, in order to effectuate the IDOT agreement, it is necessary for the City of Des Moines to transfer public road jurisdiction and convey certain right-of-way acquired by the City for the Project, as described below, by Quit Claim Deed to the State of Iowa, for the benefit and use of the IDOT, in accordance with Sections 306.42 and 364.7(3) of the Iowa Code.

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

- 1. The City of Des Moines, Iowa proposes to transfer public road jurisdiction and convey property in the vicinity of 3790 Hubbell Avenue and 3770 Hubbell Avenue to the State of Iowa, for the benefit and use of the Iowa Department of Transportation, as required for the Hubbell Avenue Improvements – East 33rd Street to East 38th Street Project, at no cost, which right-of-way was acquired by the City of Des Moines pursuant to a Warranty Deed recorded on November 30, 2018 in Book 17165, Page 231 in the office of the Polk County Recorder and pursuant to a Warranty Deed recorded on August 30, 2019 in Book 17474, Page 967 in the office of the Polk County Recorder, and legally described as follows:

THE SOUTH 16.00 FEET (AS MEASURED PERPENDICULAR TO THE NORTH RIGHT OF WAY LINE OF FREDRICK M. HUBBELL) OF A PARCEL BEGINNING AT THE INTERSECTION OF THE WEST LINE OF EAST 38TH STREET AND THE NORTH LINE OF AVENUE FREDRICK M. HUBBELL, THENCE RUNNING NORTH 60 FEET, THENCE WEST 60 FEET, THENCE SOUTH TO THE NORTH LINE OF AVENUE FREDRICK M. HUBBELL, THENCE IN A NORTHEASTERLY DIRECTION ALONG THE NORTH LINE OF AVENUE FREDRICK M. HUBBELL TO THE PLACE OF BEGINNING, EXCEPT THE 2 FEET LYING ADJACENT TO AND PARALLEL TO THE NORTH RIGHT OF WAY LINE OF FREDRICK M. HUBBELL, ALL IN THE EAST 10 ACRES OF THE SE 1/4 OF THE SE 1/4 OF SECTION 20, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., IOWA, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING 0.03 ACRES (1181 SQ. FT.)



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AND

THE SOUTH 16.00 FEET (AS MEASURED PERPENDICULAR TO THE SOUTHERLY LINE) OF PARCEL "B" OF THE EAST 10 ACRES OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 IN 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, AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 7173, PAGE 686 AND CONTAINING 0.03 ACRES (1316 SQ. FT.)

2. A public hearing shall be held on October 14, 2019, 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 property.

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			

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.

J. M. Frank Mayor

Diane Rauh City Clerk