



Roll Call Number

20-1320

Agenda Item Number

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Date August 17, 2020

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SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF AMENDED EASEMENTS FOR BUS SHELTER ENCROACHMENTS ON CITY-OWNED PROPERTY TO DES MOINES AREA REGIONAL TRANSIT AUTHORITY

WHEREAS, on April 20, 2020, by Roll Call No. 20-0661, the City Council of the City of Des Moines, Iowa adopted an ordinance permanently vacating portions of City right-of-way located at various points along 6th Avenue and University Avenue, and approved the conveyance of seven permanent easements on the vacated right-of-way for the purpose of constructing, operating and maintaining Des Moines Area Regional Transit Authority (DART) bus stop shelters; and

WHEREAS, DART has partnered with Drake University and with 6th Avenue Corridor, Inc. to have artwork installed on the seven bus stop shelters; and

WHEREAS, the permanent easements approved on April 20, 2020 by Roll Call No. 20-0661 did not specifically authorize the art installation; and

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

- 1. That the City of Des Moines proposes to convey an Amended Easement for Bus Shelter Encroachment on City-Owned Property to Des Moines Area Regional Transit Authority on the previously vacated portions of City right-of-way located at various points along 6th Avenue and University Avenue, more specifically described as follows, subject to the reservation for utilities therein:

6th Avenue, North of Franklin Avenue, East Side

A PART OF VACATED 6TH AVENUE RIGHT OF WAY IN RIVERVIEW PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 16 IN SAID RIVERVIEW PARK, SAID SOUTHWEST CORNER ALSO BEING ON THE EAST RIGHT OF WAY LINE OF 6TH AVENUE; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 34 FEET; THENCE WEST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 8.5 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WEST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 7 FEET; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE EAST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 7 FEET; THENCE SOUTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 336 SQUARE FEET.

6th Avenue, North of Franklin Avenue, West Side

A PART OF VACATED 6TH AVENUE RIGHT OF WAY IN RIVERVIEW PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:



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COMMENCING AT THE SOUTHWEST CORNER OF LOT 16 IN SAID RIVERVIEW PARK; THENCE WEST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 66 FEET TO THE WEST RIGHT OF WAY LINE OF SAID 6TH AVENUE; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 45 FEET; THENCE EAST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 8.5 FEET TO THE POINT OF BEGINNING; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE EAST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 7 FEET; THENCE SOUTH AND PARALLEL TO SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE WEST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 7 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 336 SQUARE FEET.

6th Avenue, North of Washington Avenue, East Side

A PART OF VACATED 6TH AVENUE RIGHT OF WAY IN THE OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., (ALSO REFERRED TO AS POLK COUNTY HOMESTEAD & TRUST CO'S ADDITION), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 7 IN BLOCK 3 OF SAID OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., SAID SOUTHWEST CORNER ALSO BEING ON THE EAST RIGHT OF WAY LINE OF 6TH AVENUE; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 77 FEET; THENCE WEST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 8.5 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WEST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 7 FEET; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE EAST AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 7 FEET; THENCE SOUTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 336 SQUARE FEET.

6th Avenue, North of Washington Avenue, West Side

A PART OF VACATED 6TH AVENUE RIGHT OF WAY IN THE OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., (ALSO REFERRED TO AS POLK COUNTY HOMESTEAD & TRUST CO'S ADDITION), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 6 IN BLOCK 5 OF SAID OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., SAID SOUTHEAST CORNER ALSO BEING ON THE WEST RIGHT OF WAY LINE OF 6TH AVENUE; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 42 FEET; THENCE EAST AND PARALLEL TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 8.5 FEET TO THE POINT OF BEGINNING; THENCE NORTH AND PARALLEL TO SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE EAST AND



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PARALLEL TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 7 FEET; THENCE SOUTH AND PARALLEL TO SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE WEST AND PARALLEL TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 7 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 336 SQUARE FEET.

6th Avenue, South of College Avenue, East Side

A PART OF VACATED 6TH AVENUE RIGHT OF WAY IN W.W. FINK'S SUBDIVISION OF LOT 42 OF OFFICIAL PLAT OF SE 1/4 S 34, T79, R24, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF COLLEGE AVENUE AND THE EAST RIGHT OF WAY LINE OF 6TH AVENUE; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 74.5 FEET; THENCE WEST AND PARALLEL TO THE WESTERLY EXTENSION OF SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 8.5 FEET TO THE POINT OF BEGINNING; THENCE SOUTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE WEST AND PARALLEL TO THE WESTERLY EXTENSION OF SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 7 FEET; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 48 FEET; THENCE EAST AND PARALLEL TO THE WESTERLY EXTENSION OF SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 7 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 336 SQUARE FEET.

University Avenue, West of 27th Street, North Side

A PART OF VACATED UNIVERSITY AVENUE RIGHT OF WAY IN UNIVERSITY PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 118 IN SAID UNIVERSITY PLACE; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 70 FEET; THENCE SOUTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 3 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 10.5 FEET; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 36 FEET; THENCE NORTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 10.5 FEET; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 118, A DISTANCE OF 36 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 378 SQUARE FEET.

University Avenue, West of 29th Street, North Side

A PART OF VACATED UNIVERSITY AVENUE RIGHT OF WAY IN DRAKE UNIVERSITY'S 1ST ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 25 IN SAID DRAKE UNIVERSITY'S 1ST ADDITION TO UNIVERSITY PLACE; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 3 FEET; THENCE SOUTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT

25, A DISTANCE OF 0.5 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 10.5 FEET; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 36 FEET; THENCE NORTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 10.5 FEET; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 36 FEET TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 378 SQUARE FEET.

2. A public hearing shall be held on September 14, 2020, at 5:00 p.m. at the Board Room of the Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. Given Mayor Cownie’s March 17, 2020 Proclamation, as amended prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor’s June 25, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and the City Manager’s decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic public access to the meeting location as set forth below. To participate in the electronic meeting, access is available telephonically (details below):

Join from a PC, Mac, iPad, iPhone or Android device:

- Please click this URL to join:
<https://zoom.us/j/94014038677?pwd=Qlh5M0prV0sxVHFZn1pIbVhYmIYdz09>
Passcode: 642423
- Or join by phone:
Dial (for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 720 928 9299 or 877 853 5257 (Toll Free) or 833 548 0276 (Toll Free)
Webinar ID: 940 1403 8677

3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached, in accordance with Section 362.3 of the Iowa Code.



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Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland, Assistant City Attorney

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

J. M. Franklin Cowne
Mayor

CERTIFICATE

I, P. KAY CMELIK, 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.

P. Kay Cmelik City Clerk