

★ Roll Call Number

20-1563

Agenda Item Number

18

Date October 5, 2020

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SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF AN UNDEVELOPED, DEAD-END SEGMENT OF SOUTHEAST 14TH COURT RIGHT-OF-WAY FROM EAST VINE STREET TO A POINT APPROXIMATELY 300 FEET TO THE SOUTH AND CONVEYANCE TO CHRISTINEA BENDER AND LENNY BENDER AND TO CATHERINE COLEMAN FOR \$600.00

WHEREAS, on June 8, 2020, by Roll Call No. 20-0900, the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a City-initiated request to vacate an undeveloped dead end segment of Southeast 14th Court right-of-way from East Vine Street to a point that is 300 feet to the south, subject to the following:

- (1) Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated at the buyer's expense; and
- (2) Conveyance of the west half of the ROW adjoining 1431 East Vine Street. Otherwise, reservation of access rights from East Vine Street for that property across the western half of vacated ROW adjoining that property; and
- (3) Reservation of an easement for access to separately adjoining properties adjoining to the west without developed access until such time as those properties are assembled with other property that is provided with direct access to a public street; and

WHEREAS, Christine Bender and Lenny Bender, the owners of 97 Johnson Court, have offered to the City of Des Moines, Iowa ("City") the purchase price of \$450.00 for the purchase of the portion of vacated dead-end Southeast 14th Court from East Vine Street to a point approximately 300 feet to the south and adjoining their property, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, and further subject to reservation of an easement for access to separately adjoining properties without developed street access until such time as those properties are assembled with other property that is provided with direct access to a public street; which price reflects the fair market value of said portion of street right-of-way as determined by the City's Real Estate Division; and

WHEREAS, Catherine Coleman, the owner of 1431 East Vine Street, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$150.00 for the purchase of the portion of vacated dead-end Southeast 14th Court adjoining her property, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of said portion of street right-of-way as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the street right-of-way proposed to be vacated and sold, 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, that:

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1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the undeveloped dead end segment of Southeast 14th Court right-of-way from East Vine Street to a point that is approximately 300 feet to the south, legally described as follows:

ALL OF SOUTHEAST 14TH COURT RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 1 THROUGH 6 IN D. REES'S SUBDIVISION OF LOT 30, BROOKS & CO'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.34 ACRES (15,000 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 therein and, for the Bender parcel, further subject to the reservation of an easement for access to separately adjoining properties adjoining to the west without developed access until such time as those properties are assembled with other property that is provided with direct access to a public street:

Grantee: Christine Bender and Lenny Bender

Consideration: \$450.00

Legal Description: THE WEST HALF (W 1/2) OF THE VACATED SOUTHEAST 14TH COURT RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 15 THROUGH 17, AND THE EAST HALF (E 1/2) OF THE VACATED SOUTHEAST 14TH COURT RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 1 THROUGH 6, ALL IN D. REES'S SUBDIVISION OF LOT 30, BROOKS & CO'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.26 ACRES (11,250 SQUARE FEET).

Grantee: Catherine Coleman

Consideration: \$150.00

Legal Description: THE WEST HALF (W 1/2) OF THE VACATED SOUTHEAST 14TH COURT RIGHT OF WAY LYING EAST OF AND ADJOINING LOT 20 IN D. REES'S SUBDIVISION OF LOT 30, BROOKS & CO'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.09 ACRES (3,750 SQUARE FEET).

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on October 19, 2020, 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. 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

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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://dmgov-org.zoom.us/j/96010679021?pwd=cFpOZ2ZINUE2UWZHcmxkMnlJTWEzZz09>
Passcode: 915229

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: 960 1067 9021

International numbers available: <https://dmgov-org.zoom.us/j/add8CTKwAG>

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.

Moved by *Gatto* to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

RW

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

MOTION CARRIED 7 APPROVED
J. M. Frankin Cownie 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