



Roll Call Number

20-1656

Agenda Item Number

20

Date October 19, 2020

Page 1

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A SEGMENT OF UNIVERSITY AVENUE RIGHT-OF-WAY ADJOINING 2650 UNIVERSITY AVENUE AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT – DOOR SWING TO HOTEL FRANCIS, LLC FOR \$100.00

WHEREAS, on September 14, 2020, by Roll Call No. 20-1437, 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 request to vacate a 4-foot by 4-foot segment of the south edge of University Avenue right-of-way adjoining 2650 University Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and further subject to the provision of bollards or planters on both sides of the 4-foot by 4-foot proposed vacation into the public right-of-way on University Avenue as approved by the Planning Administrator; and

WHEREAS, following the above referenced Plan and Zoning Commission meeting, the vacation area was surveyed and reduced to a 4-foot by 2.8-foot segment of University Avenue right-of-way; and

WHEREAS, Hotel Francis, LLC, the owner of 2650 University Avenue, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$100.00 for the purchase of a Permanent Easement for Building Encroachment – Door Swing in the 4-foot by 2.8-foot segment of the south edge of University Avenue right-of-way adjoining 2650 University Avenue to allow for a door swing and landing for emergency egress only from a restaurant tenant space within the hotel building, which price reflects the fair market value of the easement interest 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, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and further subject to the provision of bollards or planters on both sides of the 4-foot by 2.8-foot proposed vacation into the public right-of-way on University Avenue as approved by the Planning Administrator, and the City will not be inconvenienced by the vacation and sale of a Permanent Easement for Building Encroachment – Door Swing within said Property.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a 4-foot by 2.8-foot segment of the south edge of University Avenue right-of-way adjoining 2650 University Avenue, legally described as follows:

A PART OF UNIVERSITY AVENUE RIGHT-OF-WAY LYING NORTHERLY OF THE SOUTH LINE OF THE NORTH 7.00 FEET OF LOTS 1, 36 AND THE NORTH/SOUTH ALLEY LYING ADJACENT TO SAID LOTS 1 AND 36, ALL BEING A PART OF DRAKE UNIVERSITY'S

ADDITION TO THE CITY OF DES MOINES, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST OF CORNER OF THE NORTH 7.00 FEET OF SAID LOT 36; THENCE NORTH 89°12'10" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID UNIVERSITY AVENUE, 122.19 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°47'45" WEST, 2.80 FEET; THENCE NORTH 89°12'10" EAST, 4.00 FEET; THENCE SOUTH 00°47'45" EAST, 2.80 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE; THENCE SOUTH 89°12'10" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 11 SQUARE FEET. PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

- 2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Building Encroachment – Door Swing in the 4-foot by 2.8-foot segment of the south edge of University Avenue right-of-way adjoining 2650 University Avenue, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein, and further subject to the provision of bollards or planters on both sides of the 4-foot by 2.8-foot proposed encroachment as approved by the Planning Administrator:

Grantee: Hotel Francis, LLC
Consideration: \$100.00
Legal Description:

A PART OF VACATED UNIVERSITY AVENUE RIGHT-OF-WAY LYING NORTHERLY OF THE SOUTH LINE OF THE NORTH 7.00 FEET OF LOTS 1, 36 AND THE NORTH/SOUTH ALLEY LYING ADJACENT TO SAID LOTS 1 AND 36, ALL BEING A PART OF DRAKE UNIVERSITY'S ADDITION TO THE CITY OF DES MOINES, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST OF CORNER OF THE NORTH 7.00 FEET OF SAID LOT 36; THENCE NORTH 89°12'10" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID UNIVERSITY AVENUE, 122.19 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°47'45" WEST, 2.80 FEET; THENCE NORTH 89°12'10" EAST, 4.00 FEET; THENCE SOUTH 00°47'45" EAST, 2.80 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE; THENCE SOUTH 89°12'10" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 11 SQUARE FEET. PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

- 3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such Permanent Easement for Building Encroachment – Door Swing is to be considered shall be on November 9, 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



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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://dmgov-org.zoom.us/j/94455567318?pwd=eS9USnErWTFpZkFLVERaRmlBYXB4Zz09>
Passcode: 277478

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 833 548 0276 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 944 5556 7318

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

Persons interested in the proposal will be given the opportunity to express their views at that hearing. In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. November 5, 2020 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

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.



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Moved by Boesen to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

ASW

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

J. M. Frankhu Cowme 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