

20-1868

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Date November 23, 2020

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF 25<sup>TH</sup> STREET AND ALLEY RIGHT-OF-WAY LOCATED BETWEEN FOREST AVENUE AND CLARK STREET WEST OF 24<sup>TH</sup> STREET AND CONVEYANCE TO DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT**

**WHEREAS**, on November 9, 2020, by Roll Call No. 20-1765, the City Council of the City of Des Moines voted to receive and file a communication from the City Plan and Zoning Commission to vacate 25<sup>th</sup> Street between Clark Street and Forest Avenue and to vacate the north/south alley in the block bounded by Clark Street, 24<sup>th</sup> Street, Forest Avenue, and 25<sup>th</sup> Street (hereinafter "Property"), to allow for development of an approximate 4,000-seat multi-purpose stadium to be jointly operated for use by Des Moines Public Schools for athletic competition, subject to the reservation of easements for any existing utilities until such time that they are abandoned; and

**WHEREAS**, Des Moines Independent Community School District, the owner of the land adjoining the Property, wishes to acquire the Property for no consideration in accordance with Iowa Code §364.7(3), to allow for assemblage with their adjoining properties for the public purpose of constructing an approximate 4,000-seat multi-purpose stadium for public school sporting events; and

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

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

1. The City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating 25<sup>th</sup> Street between Clark Street and Forest Avenue and the north/south alley in the block bounded by Clark Street, 24<sup>th</sup> Street, Forest Avenue, and 25<sup>th</sup> Street, legally described as follows, subject to the reservation of easements for any existing utilities until such time that they are abandoned:

ALL THAT PORTION OF 25TH STREET BETWEEN CLARK STREET AND FOREST AVENUE DESCRIBED AS FOLLOWS: THE 66.00-FOOTWIDE STREET RIGHT OF WAY WEST OF AND ADJACENT TO LOT 15 SMITH'S 4TH ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AND THE 66.00-FOOT WIDE STREET RIGHT OF WAY WEST OF AND ADJACENT TO LOTS 5, 6, 7, AND 8 IN SMITH'S 2ND ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA; CONTAINING 31,363 SQUARE FEET;

AND

ALL THAT PORTION OF A 16.00-FOOT WIDE ALLEY BETWEEN CLARK STREET AND FOREST AVENUE DESCRIBED AS FOLLOWS: THE 16.00-FOOT WIDE ALLEY EAST OF AND ADJACENT TO

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LOT 15 SMITH'S 4TH ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AND THE 16.00-FOOT WIDE ALLEY EAST OF AND ADJACENT TO LOTS 5, 6, 7, AND 8 IN SMITH'S 2ND ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA; CONTAINING 7,603 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa further proposes to convey the vacated street and alley right-of-way, as legally described below, to Des Moines Independent Community School District for the construction of a multi-purpose stadium for public school sporting events for no consideration in accordance with Iowa Code §364.7(3), subject to the reservation of easements for utilities therein:

ALL THAT PORTION OF VACATED 25TH STREET BETWEEN CLARK STREET AND FOREST AVENUE DESCRIBED AS FOLLOWS: THE 66.00-FOOT WIDE STREET RIGHT OF WAY WEST OF AND ADJACENT TO LOT 15 SMITH'S 4TH ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AND THE 66.00-FOOT WIDE STREET RIGHT OF WAY WEST OF AND ADJACENT TO LOTS 5, 6, 7, AND 8 IN SMITH'S 2ND ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA; CONTAINING 31,363 SQUARE FEET;

AND

ALL THAT PORTION OF THE VACATED 16.00-FOOT WIDE ALLEY BETWEEN CLARK STREET AND FOREST AVENUE DESCRIBED AS FOLLOWS: THE 16.00-FOOT WIDE ALLEY EAST OF AND ADJACENT TO LOT 15 SMITH'S 4TH ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AND THE 16.00-FOOT WIDE ALLEY EAST OF AND ADJACENT TO LOTS 5, 6, 7, AND 8 IN SMITH'S 2ND ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA; CONTAINING 7,603 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 December 7, 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 October 16, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak, and further given Section 109 of the Governor's October 16, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, and further given 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 electronically and telephonically (details below):

★ **Roll Call Number**

30-1868

**Agenda Item Number**

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Date November 23, 2020

Join from a PC, Mac, iPad, iPhone or Android device:  
 Please click this URL to join. <https://dmgov-org.zoom.us/j/81564162948?pwd=MmpGRUo0eVI4K0pQN1JIOTViZ3kwQT09>  
 Passcode: 952043

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: 815 6416 2948  
 International numbers available: <https://dmgov-org.zoom.us/j/81564162948?pwd=MmpGRUo0eVI4K0pQN1JIOTViZ3kwQT09>

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. December 3, 2020 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1<sup>st</sup> Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto: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. There are no proceeds associated with this transaction.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

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

*rtw*

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

MOTION CARRIED APPROVED  
J. M. Frankhu 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