

20 - 2050

36

Date December 7, 2020

Page 1

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF 25TH STREET AND ALLEY RIGHT-OF-WAY LOCATED BETWEEN FOREST AVENUE AND CLARK STREET WEST OF 24TH 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 25th Street between Clark Street and Forest Avenue and to vacate the north/south alley in the block bounded by Clark Street, 24th Street, Forest Avenue, and 25th 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, there is no known current or future public need for the street and alley right-of-way 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.

WHEREAS, on November 23, 2020, by Roll Call No. 20-1868, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the alley right-of-way be set for hearing on December 7, 2020, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa, and 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 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 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 and telephonic public access to the meeting location; and

WHEREAS, due notice of said proposal to vacate and convey the street and alley right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal, including how to participate electronically and telephonically; and

WHEREAS, in accordance with City Council direction, those interested in the proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

20-2050

36

Date December 7, 2020

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the street and alley right-of-way as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the street and alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of 25th Street between Clark Street and Forest Avenue and the north/south alley in the block bounded by Clark Street, 24th Street, Forest Avenue, and 25th Street, legally described as follows, subject to the reservation of easements for any existing utilities until such time that they are abandoned, and said vacation is hereby approved:

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 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. The proposed sale of such 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 reservation of easements therein, and said conveyance is hereby approved:

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

20-2050

36

Date December 7, 2020

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.

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon proof of payment of the \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and a copy of the other documents to the grantee.
8. There are no proceeds associated with this transaction.

★ Roll Call Number

20. 2050

Agenda Item Number

36

Date December 7, 2020

Page 4

Moved by Gray to adopt.

APPROVED AS TO FORM:

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

psw

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

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.

J. M. Frank... Mayor

P. Kay Cmelik City Clerk