



**Roll Call Number**

21-0019

**Agenda Item Number**

16

**Date** January 11, 2021

Page 1

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF STREET RIGHT-OF-WAY LOCATED AT THE SOUTHEAST CORNER OF SOUTHWEST 63<sup>RD</sup> STREET AND SOUTHWEST LELAND AVENUE, AND CONVEYANCE OF SAID VACATED RIGHT-OF-WAY AND THE ADJOINING EXCESS CITY PROPERTY TO ANNETT HOLDINGS, INC. FOR \$82,000**

**WHEREAS**, on December 16, 2019, by Roll Call No. 19-2005, 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 from Annett Holdings, Inc. to vacate a portion of public right-of-way on the southeastern corner of the intersection of Southwest 63rd Street and Southwest Leland Avenue, in the 6100 block of Southwest Leland Avenue, subject to the reservation of any necessary easements for all existing utilities in place until such time as they are abandoned or relocated at the applicant’s expense; and

**WHEREAS**, Annett Holdings, Inc. has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$82,000.00 for the purchase of the vacated right-of-way and the adjoining excess City property (hereinafter “Property”) in order to assemble the Property with its adjoining property for future business expansion or any purpose allowed by applicable laws or ordinances, which price reflects the fair market value of said property as determined by the City’s Real Estate Division; and

**WHEREAS**, the City has no known current or anticipated public need for the Property proposed to be conveyed, subject to reservation of any existing utilities until such time that they are abandoned or relocated at the applicant’s expense, 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 a portion of public street right-of-way on the southeastern corner of the intersection of Southwest 63rd Street and Southwest Leland Avenue, legally described as follows, subject to the reservation of any necessary easements for all existing utilities in place until such time as they are abandoned or relocated at the applicant’s expense:

An irregular shaped portion of Parcel Q as shown on the Plat of Survey Recorded in Book 14665 at Page 556 and a portion of Lot 2 of the Replat of Bloomfield Hills Plat No. 2, an Official Plat, and a portion of the Southeast Quarter of the Southeast Quarter of Section 26, Township 78 North, Range 25 West of the 5<sup>th</sup> P.M., all in Des Moines, Polk County, Iowa, more particularly described as follows: Beginning at the northeast corner of Parcel G as shown on the Plat of Survey Recorded in Book 7541 at Page 830; thence N89°50’51”W, assumed bearing for this description, along the north line of said Parcel G, a distance of 134.70 feet to the northwest corner of said Parcel G and to the east Right of Way line of Iowa Highway No. 28; thence N06°46’59”E

★ Roll Call Number  
21-0019

Agenda Item Number  
16

Date January 11, 2021

along said east Right of Way line, a distance of 65.45 feet; thence S89°50'10"E, a distance of 127.16 feet to a bend point on the south line of said Parcel Q; thence S00°09'50"W along the south line of said Parcel Q, a distance of 64.99 feet to the point of beginning.

Said tract of land being subject to and together with any and all easements and restrictions of record. Said tract of land contains 8,511 Square Feet.

2. The City Council of the City of Des Moines, Iowa further proposes to convey the vacated street right-of-way along with the excess City property adjoining the vacated street right-of-way, as legally described below, to Annett Holdings, Inc. for \$82,000.00, subject to the reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense:

AN IRREGULAR SHAPED PORTION OF PARCEL Q AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 14665 AT PAGE 556 AND A PORTION OF LOT 2 OF THE REPLAT OF BLOOMFIELD HILLS PLAT NO. 2, AN OFFICIAL PLAT, AND A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., ALL IN DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF PARCEL G AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 7541 AT PAGE 830; THENCE N89°50'51"W, ASSUMED BEARING FOR THIS DESCRIPTION, ALONG THE NORTH LINE OF SAID PARCEL G, A DISTANCE OF 134.70 FEET TO THE NORTHWEST CORNER OF SAID PARCEL G AND TO THE EAST RIGHT-OF-WAY LINE OF IOWA HIGHWAY NO. 28; THENCE N06°46'59"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 65.45 FEET; THENCE S89°50'10"E, A DISTANCE OF 127.16 FEET TO A BEND POINT ON THE SOUTH LINE OF SAID PARCEL Q; THENCE S00°09'50"W ALONG THE SOUTH LINE OF SAID PARCEL Q, A DISTANCE OF 64.99 FEET TO THE POINT OF BEGINNING, AND CONTAINING 8,511 SQUARE FEET. SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD;

And,

A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 26, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> P.M.; THENCE NORTH 0°(DEGREES) 18'(MINUTES) 10"(SECONDS) WEST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 730.51 FEET; THENCE SOUTH 89°41'50" WEST, 82.03 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 21°17'06" WEST, 72.01 FEET; THENCE SOUTH 39°02'52" WEST, 133.70 FEET; THENCE SOUTH 53°02'52" WEST, 74.50 FEET; THENCE SOUTH 65°56'22" WEST, 122.70 FEET; THENCE SOUTH 74°06'10" WEST, 307.90 FEET; THENCE NORTH 15°59'40" WEST, 128.72 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 250.00 FEET, WHOSE ARC LENGTH IS 91.49 FEET AND WHOSE CHORD BEARS NORTH 26°28'46" WEST, 90.99 FEET; THENCE NORTH 0°09'50" EAST, 64.99 FEET; THENCE SOUTH 89°50'10" EAST, 432.49 FEET; THENCE NORTHEASTERLY

Date January 11, 2021

ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 340.00 FEET, WHOSE ARC LENGTH IS 240.83 FEET AND WHOSE CHORD BEARS NORTH 69°52'19" EAST, 235.83 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.55 ACRES (110887 S.F.). SUBJECT TO EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD, IF ANY.

ALSO LEGALLY DESCRIBED AS:

PARCEL "P" PURSUANT TO THE PLAT OF SURVEY RECORDED IN THE OFFICE OF THE POLK COUNTY, IOWA RECORDER ON FEBRUARY 20, 2013 IN BOOK 14665, PAGES 554-555.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such City property is to be considered shall be on January 25, 2021, 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 and telephonic public access to the meeting location as set forth below. To participate in the electronic meeting, access is available electronically and 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/87489389070?pwd=amtkdVovNXVScWdkZXhRV2pFRjdZQT09>

Passcode: 170393

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: 874 8938 9070

International numbers available: <https://dmgov-org.zoom.us/j/87489389070>

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. January 21, 2021 (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)).

★ Roll Call Number  
 ..... 21-0019 .....

Agenda Item Number  
 ..... 16 .....

Date ..... January 11, 2021 .....

Page 4

- 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:

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

*PCW*

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

                    P. Kay Cmelik                      
 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