



Roll Call Number

21-0151

Agenda Item Number

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Date January 25, 2021

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF STREET RIGHT-OF-WAY LOCATED AT THE SOUTHEAST CORNER OF SOUTHWEST 63RD 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, there is no known current or future public need for the street right-of-way or the adjoining excess City 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.

WHEREAS, on January 11, 2021, by Roll Call No. 21-0019, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the street right-of-way and the adjoining excess City property be set for hearing on January 25, 2021, 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 right-of-way and the adjoining excess City property 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

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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.

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 street right-of-way and the adjoining excess City property as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of, legally described as follows, subject to the reservation of any necessary easements for all existing utilities until such time that they are abandoned or relocated at the applicant's expense, and said vacation is hereby approved:

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 5th 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.

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.

3. The proposed sale of such vacated street right-of-way and the adjoining excess City property, as legally described below, to Annett Holdings, Inc. for \$82,000.00, subject to the reservation of any necessary easements for all existing utilities until such time that they are abandoned or relocated at the applicant's expense, and said conveyance is hereby approved:

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 5th 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

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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 5TH 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 5TH 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 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.

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 consideration, plus \$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.

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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. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 21-030)

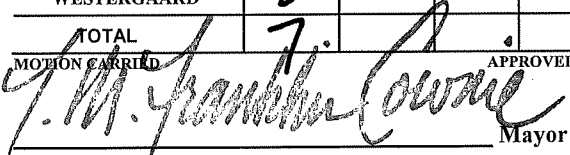
Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:


Lisa A. Wieland, Assistant City Attorney

RW

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


City Clerk