

★ Roll Call Number

21-0694

Agenda Item Number

27

Date May 10, 2021

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF  
VACATED ALLEY RIGHT-OF-WAY ADJOINING 413 EUCLID AVENUE TO EUCLID  
FORESIGHT, LLC FOR \$5,080**

**WHEREAS**, on July 31, 1989, by Roll Call No. 89-3378, the City Council of the City of Des Moines, Iowa passed Ordinance No. 11,371 vacating a portion of the north-south alley right-of-way located east of and adjoining 413 Euclid Avenue, Des Moines, Iowa, subject to the reservation of any necessary easements for all existing utilities in place with the right of entry for servicing same; and

**WHEREAS**, Euclid Foresight, LLC, owner of 413 Euclid Avenue, has offered to the City of Des Moines (“City”) the purchase price of \$5,080.00 for the purchase of the vacated alley right-of-way adjoining its property at 413 Euclid Avenue (hereinafter “Property”), for assemblage with its adjoining property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the fair market value of the City Property as determined by the City’s Real Estate Division; and

**WHEREAS**, there is no known current or future public need or benefit for the Property proposed to be sold, and the City will not be inconvenienced by the sale of said Property.

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

1. The City Council of the City of Des Moines, Iowa, proposes to sell the vacated alley right-of-way adjoining 413 Euclid Avenue, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: Euclid Foresight, LLC

Consideration: \$5,080.00

Legal Description: THE WEST 3.67 FEET OF THE SOUTH 172.94 FEET OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 13 THROUGH 16, BLOCK 21, HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 0.01 ACRES (635 SQUARE FEET).

2. 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 May 24, 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 15, 2020 Proclamation, as amended, prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor’s February 5, 2021 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak, and further

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given Section 108 of the Governor's February 5, 2021 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):

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://dmgov-org.zoom.us/j/85120305288?pwd=ZDkyenYrWVB3eXpIVFRpVURTV1dGdz09>  
Passcode: 214932

Or join by phone:

Dial:

US: +1 312 626 6799 or 833 548 0276 (Toll Free)

Webinar ID: 851 2030 5288

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. May 20, 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)).

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/ 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	

J. M. Franklin Cowne  
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