



**Roll Call Number**

21-1023

**Agenda Item Number**

54

**Date** June 28, 2021

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF VACATED STREET RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 1445 DEAN AVENUE TO SAM KCAD REAL ESTATE 1, LLC FOR \$50.00**

**WHEREAS**, on June 4, 1990, by Roll Call No. 90-2400, the City Council of the City of Des Moines, Iowa voted to approve the vacation of Governor’s Square Drive right-of-way lying south of and adjoining Lots 22 through 30 Governor’s Square, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; and

**WHEREAS**, Sam KCAD Real Estate I, LLC, owner of 1445 Dean Avenue, has offered to the City of Des Moines (“City”) the purchase price of \$50.00 for the purchase of the portion of the vacated street right-of-way located south of and adjoining their property at 1445 Dean Avenue (hereinafter “Property”), for assemblage with its residential property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated and further subject to the reservation of a Permanent Easement for Ingress and Egress over the Property, which easements shall be included in the deed from City to Buyer, which price reflects the restricted 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 for the Property proposed to be sold, and the City will not be inconvenienced by the sale and conveyance of said Property; and

**WHEREAS**, on June 14, 2021, by Roll Call No. 21-0854, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of said vacated street right-of-way be set for hearing on June 28, 2021, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal to convey the Property was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed 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 conveyance of the vacated street right-of-way as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the vacated street right-of-



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way located south of and adjoining 1445 Dean Avenue, Des Moines, Iowa, legally described as follows, to Sam KCAD Real Estate I, LLC for \$50.00, and said conveyance is hereby approved, subject to reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, and further subject to the reservation of a Permanent Easement for Ingress and Egress, which easement shall be included in the deed from City to Buyer:

ALL OF THE VACATED GOVERNOR'S SQUARE DRIVE RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 23, GOVERNOR'S SQUARE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.03 ACRES (1360 SQUARE FEET).

3. 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.
4. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.
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.
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 copies of the other documents to the grantee.
8. 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, Assistant City Attorney

BW

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

J. M. Franklin 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