



Roll Call Number

Agenda Item Number

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Date July 19, 2021

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF SOUTHWEST MCKINLEY AVENUE LOCATED NORTH OF AND ADJOINING 6020 SOUTHWEST MCKINLEY AVENUE AND CONVEYANCE TO NICKOLAS VAN PATTEN FOR \$250.00

WHEREAS, on May 10, 2021, by Roll Call No. 21-0691, 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 to vacate a 48.76-foot wide irregularly-shaped segment of Southwest McKinley Avenue right-of-way adjoining 6020 Southwest McKinley Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, Nickolas G. Van Patten, the owner of 6020 Southwest McKinley Avenue, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$250.00 for the purchase of the 48.76-foot wide irregularly-shaped segment of Southwest McKinley Avenue right-of-way adjoining his property for assemblage with his adjoining property, subject to the reservation of 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 street right-of-way 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 proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said property.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a 48.76-foot wide irregularly-shaped segment of Southwest McKinley Avenue right-of-way adjoining 6020 Southwest McKinley Avenue, legally described as follows:

AN IRREGULAR SHAPED PORTION OF THE SW MCKINLEY AVENUE RIGHT OF WAY NORTH OF AND ADJACENT TO LOT 2 OF GREEN HILLS PLAT 1, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE N89°39'25"W ALONG THE NORTH LINE OF SAID LOT 2 AND THE SOUTH RIGHT OF WAY LINE OF MCKINLEY AVENUE, A DISTANCE OF 204.82 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE N00°12'03"W, A DISTANCE OF 48.76 FEET; THENCE S89°39'25"E, A DISTANCE OF 136.75 FEET; THENCE SOUTHEASTERLY ALONG A 451.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A DISTANCE OF 72.61 FEET, SAID CURVE HAVING A CHORD BEARING OF S70°00'41"E AND A CHORD LENGTH OF 72.53 FEET; THENCE S00°10'30"E,



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A DISTANCE OF 24.37 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 9,085 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein:

Grantee: Nickolas G. Van Patten
Consideration: \$250.00
Legal Description:

AN IRREGULAR SHAPED PORTION OF THE VACATED SW MCKINLEY AVENUE RIGHT OF WAY NORTH OF AND ADJACENT TO LOT 2 OF GREEN HILLS PLAT 1, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE N89°39'25"W ALONG THE NORTH LINE OF SAID LOT 2 AND THE SOUTH RIGHT OF WAY LINE OF MCKINLEY AVENUE, A DISTANCE OF 204.82 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE N00°12'03"W, A DISTANCE OF 48.76 FEET; THENCE S89°39'25"E, A DISTANCE OF 136.75 FEET; THENCE SOUTHEASTERLY ALONG A 451.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A DISTANCE OF 72.61 FEET, SAID CURVE HAVING A CHORD BEARING OF S70°00'41"E AND A CHORD LENGTH OF 72.53 FEET; THENCE S00°10'30"E, A DISTANCE OF 24.37 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 9,085 SQUARE FEET.

3. 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 August 9, 2021, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

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. August 5, 2021 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the August 9, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

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.

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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:

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

DM

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

J. M. Franke 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