



Roll Call Number

21-1469

Agenda Item Number

18

Date October 4, 2021

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF COHEN PARK LOCATED NORTH OF AND ADJOINING 1106 SCOTT AVENUE AND APPROVAL OF A LAND EXCHANGE AGREEMENT WITH DES MOINES CLIMATE CONTROLLED SELF STORAGE, LLC

WHEREAS, the City of Des Moines, Iowa, (“City”) is the owner of certain parkland located in Cohen Park and lying north of and adjoining 1106 Scott Avenue, Des Moines, Iowa (hereinafter “City Parcel”), more particularly described below; and

WHEREAS, Des Moines Climate Controlled Self Storage, LLC, an Iowa limited liability company, (“Seller”) is the owner of 1106 Scott Avenue, Des Moines, Iowa, and the vacated alley right-of-way lying east of and adjoining 1106 Scott Avenue, a portion of which shall be combined with 1106 Scott Avenue to create a parcel of equal size to the City Parcel (hereinafter “Seller Parcel”), more particularly described below; and

WHEREAS, Des Moines Climate Controlled Self Storage, LLC, has offered to the City of Des Moines, Iowa, the Seller Parcel in exchange for the City Parcel, described below, in order to assemble said City Parcel with its adjoining property for purposes of commercial redevelopment, subject to a reservation of easements therein, which represents an equitable exchange of value as determined by the City’s Real Estate Division and the City Parks and Recreation Director; and

WHEREAS, the City has no known current or anticipated public need for the City Parcel proposed to be exchanged and the City will not be inconvenienced by the vacation and conveyance of said City Parcel.

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 Cohen Park lying north of and adjoining 1106 Scott Avenue, Des Moines, Iowa legally described as follows, subject to the reservation of easements therein:

City Parcel:

A PARCEL OF LAND IN PARCEL 'A', AN OFFICIAL PARCEL RECORDED IN BOOK 15781, PAGE 375-376 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID PARCEL 'A'; THENCE S14°46'34"E, 49.91 FEET ALONG THE EAST LINE OF SAID PARCEL 'A' TO THE NE CORNER OF LOT 4, BLOCK 13, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT RECORDED IN BOOK 'B', PAGE 50 AT THE POLK COUNTY RECORDER'S OFFICE, SAID NE CORNER ALSO BEING THE MOST EASTERN POINT OF SAID PARCEL 'A'; THENCE S74°47'07"W, 46.91 FEET ALONG A LINE THAT COINCIDES WITH THE NORTH LINE OF SAID LOT 4 AND THE SOUTH LINE OF SAID PARCEL 'A' TO THE NW CORNER OF THE E1/3 OF SAID LOT 4; THENCE S14°44'11"E, 12.43 FEET ALONG THE EAST LINE OF SAID E1/3 OF SAID LOT 4 TO A POINT ON THE SOUTH LINE OF THE NORTH 12.43 FEET OF



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SAID LOT 4; THENCE S74°47'07"W, 107.42 FEET ALONG A LINE THAT COINCIDES WITH SAID SOUTH LINE OF THE NORTH 12.43 FEET OF LOT 4 TO A POINT; THENCE N14°48'48"W, 3.46 FEET ALONG A LINE THAT COINCIDES WITH THE WEST LINE OF PARCEL 2019-34, AN OFFICIAL PARCEL RECORDED IN BOOK 18580, PAGE 467 AT THE POLK COUNTY RECORDER'S OFFICE TO A POINT ON THE NORTH LINE OF SAID PARCEL 'A', SAID POINT ALSO BEING THE SW CORNER OF SAID PARCEL 2019-34; THENCE N58°04'14"E, 161.53 FEET ALONG SAID NORTH LINE OF PARCEL 'A' AND THE SOUTH LINE OF SAID PARCEL 2019-34 TO THE POINT OF BEGINNING AND CONTAINING 5454 SQUARE FEET MORE OR LESS.

- 2. The City Council of the City of Des Moines, Iowa further proposes to exchange the vacated parkland described above for property of equal value owned by Des Moines Climate Controlled Self Storage, LLC located at the east edge of Cohen Park and including 1106 Scott Avenue and the west eight feet of vacated alley lying east of and adjoining 1106 Scott Avenue (Seller Parcel), legally described below:

Seller Parcel:

A PARCEL OF LAND IN LOTS 4, 5, AND PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING DIRECTLY EAST OF AND ADJOINING SAID LOTS 4 & 5, ALL IN BLOCK 13, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT RECORDED IN BOOK 'B', PAGE 50 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF THE E1/3 OF SAID LOT 5, SAID SW CORNER ALSO BEING THE SE CORNER OF PARCEL 'A', AN OFFICIAL PARCEL RECORDED IN BOOK 15781, PAGE 375-376 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE N14°44'11"W, 99.49 FEET ALONG THE WEST LINE OF SAID E1/3 OF LOT 5, SAID WEST LINE COINCIDES WITH THE WEST LINE OF THE E1/3 OF SAID LOT 4 AND THE EAST LINE OF SAID PARCEL 'A', TO A POINT ON THE SOUTH LINE OF THE NORTH 12.43 FEET OF SAID LOT 4; THENCE N74°47'07"E, 54.88 FEET ALONG A LINE THAT COINCIDES WITH SAID SOUTH LINE OF THE NORTH 12.43 FEET OF SAID LOT 4 TO A POINT; THENCE S14°36'28"E, 99.66 FEET ALONG A LINE PARALLEL TO THE EAST LINE OF SAID LOTS 4 & 5 TO A POINT ON THE SOUTH LINE OF SAID BLOCK 13, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF SCOTT AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE S74°57'27"W, 54.66 FEET ALONG SAID SOUTH LINE AND SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING AND CONTAINING 5454 SQUARE FEET MORE OR LESS.

- 3. That the meeting of the City Council at which the adoption of said ordinance and the proposed land exchange agreement is to be considered shall be on October 18, 2021, in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

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. October 14, 2021 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).



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Please check the posted agenda in advance of the October 18, 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. 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.
- 5. There are no proceeds associated with this transaction.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

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

OK

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

MOTION CARRIED APPROVED
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