



22-D105

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Date January 24, 2022

HOLD HEARING FOR APPROVAL OF DOCUMENTS TO CORRECT THE VACATION OF A PORTION OF COHEN PARK LOCATED NORTH OF AND ADJOINING 1106 SCOTT AVENUE AND TO ISSUE A CORRECTED QUIT CLAIM DEED TO DES MOINES CLIMATE CONTROLLED STORAGE, LLC

WHEREAS, on October 18, 2021, by Roll Call No. 21-1579, the City Council of the City of Des Moines voted to pass Ordinance No. 16,053 vacating a portion of Cohen Park located north of and adjoining 1106 Scott Avenue, Des Moines, Iowa and to approve the sale of such vacated parkland to Des Moines Climate Controlled Self Storage, LLC, subject to the reservation of easements for any existing utilities until such time that they are abandoned; and

WHEREAS, subsequent to passing Ordinance No. 16,053 and recording a quit claim deed conveying said vacated parkland, an error was discovered in the legal description of the vacated parkland leading to the need to repeal said ordinance, pass a new ordinance to vacate the properly described portion of Cohen Park, and issue a Corrected Quit Claim Deed; and

WHEREAS, on January 10, 2022, by Roll Call No. 22-0041, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed corrected vacation and conveyance be set for hearing on January 24, 2022, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to repeal Ordinance No. 16,053 and to correct the vacation and conveyance was given 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 corrected vacation and 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 repeal of Ordinance No. 16,053 and the vacation of the portion of Cohen Park as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the parkland proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of 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 for any existing utilities until such time that they are abandoned, and said vacation is hereby approved:



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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 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, 15.89 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.

- 3. The City Council of the City of Des Moines, Iowa, further approves the issuance of a Corrected Quit Claim Deed for said vacated parkland to Des Moines Climate Controlled Self Storage, LLC, legally described as follows, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated:

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 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, 15.89 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



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OF SAID PARCEL 2019-34 TO THE POINT OF BEGINNING AND CONTAINING 5454 SQUARE FEET MORE OR LESS.

4. The Mayor is authorized and directed to sign the Corrected 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. The City Clerk is authorized and directed to forward the original of the Corrected 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 Corrected 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 Corrected Quit Claim Deed and a copy of the other documents to the grantee.
8. There are no proceeds associated with this action.

Moved by Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER		✓		
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6	1		

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