



**Roll Call Number**

22-0693

**Agenda Item Number**

30

**Date** May 9, 2022

**SET HEARING FOR VACATION OF STREET RIGHT-OF-WAY LOCATED AT THE INTERSECTION OF COTTAGE GROVE AVENUE, KINGMAN BOULEVARD AND 25<sup>TH</sup> STREET AND LEASE TO DRAKE NEIGHBORHOOD ASSOCIATION FOR \$1000**

**WHEREAS**, on June 8, 2020, by Roll Call No. 20-0901, the City Council of the City of Des Moines, Iowa voted to receive and file the recommendation from the City Plan and Zoning Commission to approve a request from the Drake Neighborhood Association, represented by Lori Calhoun (officer), to vacate a triangular segment of street right-of-way in the vicinity of the 2400 block of Cottage Grove at the intersection of Cottage Grove Avenue on the northeast, Kingman Boulevard on the south and 25<sup>th</sup> Street on the west, (hereinafter “Property”) subject to the following:

- (1) Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated at the applicant's expense; and
- (2) Any construction on the proposed vacation shall be in accordance with all administrative comments as part of a Site Plan review; and

**WHEREAS**, the City’s Real Estate Division has negotiated a Lease Agreement (“Agreement”) with Drake Neighborhood Association, P.O. Box 41128, Des Moines, Iowa, an Iowa non-profit corporation, for the purpose of installing and maintaining a monument sign, a memorial garden with swing, plantings and other decorative elements, and associated landscaping, which Agreement will include, among other terms, the following:

- a twenty (20) year lease term;
- an annual lease payment of Fifty Dollars (\$50.00), which amount reflects the fair market value of the leased area as currently estimated by the City’s Real Estate Division;
- termination by either party for any reason upon thirty (30) days written notice to the other party; and

**WHEREAS**, there is no known current or future public need or benefit for the Property proposed to be leased, and the City will not be inconvenienced by the lease 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, shall consider adoption of an ordinance permanently vacating a triangular segment of street right-of-way in the vicinity of the 2400 block of Cottage Grove at the intersection of Cottage Grove Avenue on the northeast, Kingman Boulevard on the south and 25<sup>th</sup> Street on the west, legally described as follows:

Legal Description: A PART OF LOT 188, UNIVERSITY LAND CO.'S FIRST ADDITION TO DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHEAST CORNER OF LOT 189 OF SAID UNIVERSITY LAND



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CO.'S FIRST ADDITION TO DES MOINES; THENCE SOUTH 19' 41" EAST ALONG THE EAST LINE OF SAID LOT 189, A DISTANCE OF 38.23 FEET; THENCE NORTH 40' 19" EAST, 67.84 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 56°58'12" EAST,63.50 FEET; THENCE SOUTH 10°01'48" WEST,8.08 FEET; THENCE SOUTH 60° 04'32" WEST,60.00 FEET; THENCE NORTH 00° 08'06" EAST, 72.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.05 ACRES (2,119 S.F.).

2. The City Council of the City of Des Moines, Iowa, further proposes to lease the vacated triangular segment of street right-of-way, as legally described and to the Lessee and for the consideration identified below, for a term of twenty years, subject to reservation of easements therein:

Lessee: Drake Neighborhood Association

Consideration: \$1,000.00 (to be paid in annual payments of \$50.00)

Legal Description: A PART OF LOT 188, UNIVERSITY LAND COMPANY'S FIRST ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 189 OF SAID UNIVERSITY LAND COMPANY'S FIRST ADDITION TO THE CITY OF DES MOINES; THENCE SOUTH 0° 19' 41" EAST ALONG THE EAST LINE OF SAID LOT 189, A DISTANCE OF 38.23 FEET; THENCE NORTH 89° 40' 19" EAST, 67.84 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 56° 58' 12" EAST, 63.50 FEET; THENCE SOUTH 10° 01' 48" WEST, 8.08 FEET; THENCE SOUTH 60° 04' 32" WEST, 60.00 FEET; THENCE NORTH 00° 08' 06" EAST, 72.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.05 ACRES (2,119 S.F.).

3. A public hearing shall be held on May 23, 2022, at 5:00 p.m. 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. May 19, 2022 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

Please check the posted agenda in advance of the May 23, 2022 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. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.



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Moved by Boesen to adopt. Second by Gatto

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

02

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

John Fubelt MAYOR PRO TEM

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