



Roll Call Number

22-1325

Agenda Item Number

21

Date August 22, 2022

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF LOCUST STREET AND 7TH STREET RIGHT-OF-WAY ADJOINING 700 LOCUST STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT TO LAWMARK, L.P. FOR \$1,200.00

WHEREAS, on February 21, 2022, by Roll Call No. 22-0234, 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 from Lawmark, L.P., owner of property at 700 Locust Street, to vacate portions of Locust Street and 7th Street right-of-way adjoining 700 Locust Street, Des Moines, Iowa, (hereinafter "Property") subject to the reservation of any easements for all existing utilities until such time that they are abandoned or relocated; and

WHEREAS, Lawmark, L.P., has offered to the City of Des Moines ("City") the purchase price of \$1,200.00 for the purchase of a Permanent Easement for Building Encroachment over portions of Locust Street and 7th Street right-of-way adjoining 700 Locust Street, to allow for the maintenance, repair and replacement of an existing building encroachment into the vacated 7th Street and Locust Street right-of-way, which price reflects the fair market value of the easement as determined by the City's Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be vacated, and the City will not be inconvenienced by the vacation of said Property and conveyance of a Permanent Easement for Building Encroachment therein.

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 portions of Locust Street and 7th Street right-of-way adjoining 700 Locust Street, Des Moines, Iowa, legally described as follows:

Part of 7th Street right-of-way lying East of and adjoining Block 1 of the Original Town of Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Northeast corner of Lot 8 in said Block 1 of the Original Town of Fort Des Moines; thence South 15°(degrees) 23'(minutes) 54"(seconds) East, 17.62 feet along the East line of said Block 1 to the Point of Beginning; thence South 15°33'37" East, 88.49 feet; thence South 74°36'06" West, 0.25 feet to the East line of said Block 1; thence North 15°23'54" West, 88.49 feet along the East line of said Block 1 to the point of beginning; containing 11 square feet.

And,



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Part of Locust Street right-of-way lying North of and adjoining Block 1 of the Original Town of Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Northeast corner of Lot 8 in said Block 1 of the Original Town of Fort Des Moines; thence South 74°(degrees) 12'(minutes) 51"(seconds) West, 9.22 feet along the North line of said Block 1 to the Point of Beginning; thence continuing South 74°12'51" West, 256.09 feet along the North line of said Block 1; thence North 74°10'10" East, 256.09 feet; thence South 15°47'09" East, 0.20 feet to the point of beginning; containing 26 square feet.

- 2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Building Encroachment, as legally described and to the grantees and for the consideration identified below:

Grantee: Lawmark, L.P.
Consideration: \$1,200.00
Legal Description:

Part of vacated 7th Street right-of-way lying East of and adjoining Block 1 of the Original Town of Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Northeast corner of Lot 8 in said Block 1 of the Original Town of Fort Des Moines; thence South 15°(degrees) 23'(minutes) 54"(seconds) East, 17.62 feet along the East line of said Block 1 to the Point of Beginning; thence South 15°33'37" East, 88.49 feet; thence South 74°36'06" West, 0.25 feet to the East line of said Block 1; thence North 15°23'54" West, 88.49 feet along the East line of said Block 1 to the point of beginning; containing 11 square feet.

And,

Part of vacated Locust Street right-of-way lying North of and adjoining Block 1 of the Original Town of Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Northeast corner of Lot 8 in said Block 1 of the Original Town of Fort Des Moines; thence South 74°(degrees) 12'(minutes) 51"(seconds) West, 9.22 feet along the North line of said Block 1 to the Point of Beginning; thence continuing South 74°12'51" West, 256.09 feet along the North line of said Block 1; thence North 74°10'10" East, 256.09 feet; thence South 15°47'09" East, 0.20 feet to the point of beginning; containing 26 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 September 12, 2022, said meeting to



Roll Call Number

22-1325

Agenda Item Number

21

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be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. Persons interested in the proposal will be given the opportunity to express their views at that 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. September 6, 2022 (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 September 12, 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. 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.
5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

Handwritten signature of J. M. Frankhu Cownie, Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Handwritten signature of Laura Baumgartner, City Clerk