



Roll Call Number

22-1411

Agenda Item Number

31

Date September 12, 2022

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT IN VACATED URBANDALE AVENUE RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 4041 URBANDALE AVENUE TO MARIGNY, LLC FOR 2,055.00

WHEREAS, on October 25, 2010, by Roll Call No. 10-1765, the City Council of the City of Des Moines, Iowa passed Ordinance No. 14,967 vacating a portion of Urbandale Avenue right-of-way adjoining 4041 Urbandale Avenue for use as a sidewalk cafe, as legally described below, (hereinafter “Easement Area”; and

WHEREAS, Marigny, LLC, owner of 4041 Urbandale Avenue, has offered to the City of Des Moines (“City”) the purchase price of \$2,055.00 for the purchase of a Permanent Easement for Building Encroachment (hereinafter “Easement”) in said property to allow for the use, repair, renovation, and maintenance of an attached raised platform and surface encroachments from the adjoining building into the Easement Area, which price reflects the fair market value of the City Property as determined by the City’s Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the Easement proposed to be conveyed, and the City will not be inconvenienced by the conveyance of said Permanent Easement for Building Encroachment.

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, proposes to convey a Permanent Easement for Building Encroachment, as legally described, to Marigny, LLC, for \$2,055.00:

A PART OF VACATED URBANDALE AVENUE RIGHT-OF-WAY BEING IN THE SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 29, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 9, BEAVER GLEN, AN OFFICIAL PLAT; THENCE SOUTH 65°38’13” EAST ALONG THE SOUTHERLY LINE OF SAID LOT 9, A DISTANCE OF 225.23 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 65°38’13” EAST ALONG SAID SOUTHERLY LINE, 62.37 FEET; THENCE SOUTH 69°21’47” WEST, 2.17 FEET; THENCE NORTH 65°38’13” WEST, 4.47 FEET; THENCE SOUTH 69°21’47” WEST, 6.39 FEET; THENCE NORTH 65°38’13” WEST, 35.26 FEET; THENCE NORTH 20°38’13” WEST, 2.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 274 S.F.

(VACATED BY ORDINANCE NO. 14,967, PASSED OCTOBER 25, 2010.).



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2. A public hearing shall be held on October 3, 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. September 29, 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 October 3, 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.

3. 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.

4. 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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		

J. M. Franklin Cowie 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.

Laura Baumgartner
Laura Baumgartner, City Clerk