

★ Roll Call Number

22-1637

Agenda Item Number

25

Date October 24, 2022

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF EAST JEFFERSON AVENUE RIGHT-OF-WAY AND CONVEYANCE, ALONG WITH ADDITIONAL EXCESS CITY PROPERTY ALL LOCATED SOUTH OF AND ADJOINING 1700 DIXON STREET, TO JSB FIONTAIR, LLC FOR \$5,000

WHEREAS, on August 8, 2022, by Roll Call No. 22-1245, 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 JSB Fiontair, LLC to vacate a segment of the east-west street right-of-way of East Jefferson Avenue located to the west of Dixon Street, Des Moines, Iowa, subject to the reservation of any necessary easements for all existing utilities in place until abandoned or relocated at the applicant's expense; and

WHEREAS, JSB Fiontair, LLC, owner of 1700 Dixon Street, has offered to the City of Des Moines ("City") the purchase price of \$5,000.00 for the purchase of a portion of vacated East Jefferson Avenue right-of-way, and a portion of excess City property, all adjoining their property, (hereinafter "Property") for assemblage with its adjoining property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the fair market value of the City Property as determined by the City's Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the street right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation of said right-of-way and conveyance of said vacated right-of-way, and a portion of adjoining excess City property, to JSB Fiontair, LLC.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the east-west East Jefferson Avenue right-of-way located west of Dixon Street and south of 1700 Dixon Street, legally described as follows:

ALL THAT PART OF EAST JEFFERSON AVENUE RIGHT OF WAY LYING BETWEEN THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 12 IN BLOCK 8 AND THE NORTHERLY EXTENSION OF THE CENTERLINE OF LOT G (DIXON COURT), ALL IN T.E. BROWN'S OFFICIAL PLAT OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE NORTHEAST 40 ACRES), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.44 ACRES (19,000 SQUARE FEET).

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2. The City Council of the City of Des Moines, Iowa, further proposes to sell a portion of the vacated East Jefferson Avenue right-of-way, and a portion of excess City property, all adjoining 1700 Dixon Street, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: JSB Fiontair, LLC

Consideration: \$5,000.00

Legal Description:

ALL THAT PART OF VACATED EAST JEFFERSON AVENUE RIGHT OF WAY LYING BETWEEN THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 12 IN BLOCK 8 AND THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT G (VACATED DIXON COURT),

AND

LOTS 1 AND 24 IN BLOCK 9,

AND

ALL THAT PART OF LOT T LYING WEST OF AND ADJOINING SAID LOT 24, ALL IN T.E. BROWN'S OFFICIAL PLAT OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE NORTHEAST 40 ACRES), AN OFFICIAL PLAT,

AND

LOT 1 IN BROWN'S OFFICIAL PLAT OF THE S 610 FT OF LOT 27 OF T.E. BROWN'S OFFICIAL PLAT OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE NORTHEAST 40 ACRES), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.81 ACRES (35,500 SQUARE FEET).

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such Property is to be considered shall be on November 7, 2022, said meeting to 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.

Please check the posted agenda in advance of the November 7, 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.



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5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Gatto to adopt.

APPROVED AS TO FORM: Second by Boesen.

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

DW

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

MOTION CARRIED APPROVED
J. M. Frankel 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.

Laura Baumgartner

Laura Baumgartner, City Clerk