

★ Roll Call Number

22-1725

Agenda Item Number

17

Date November 7, 2022

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PORTION OF VACATED SOUTHEAST 4<sup>TH</sup> STREET RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING 303 SCOTT AVENUE TO ONESPEED DSM, L.L.C. FOR \$45,400**

**WHEREAS**, on October 24, 2022, by Roll Call No. 22-1677, the City Council of the City of Des Moines, Iowa voted to approve the vacation of the portion of Southeast 4<sup>th</sup> Street right-of-way located east of and adjoining 303 Scott Avenue, Des Moines, Iowa (hereinafter “Property”), subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated; and

**WHEREAS**, OneSpeed DSM, L.L.C., an Iowa limited liability company, owner of 303 Scott Avenue, has offered to the City of Des Moines (“City”) the purchase price of \$45,400.00 for the purchase of a portion of the vacated Southeast 4<sup>th</sup> Street located east of and adjoining its property 303 Scott Avenue (hereinafter “Property”) for assemblage with 303 Scott Avenue, 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**, there is no known current or future public need or benefit for the City Property proposed to be sold, and the City will not be inconvenienced by the sale 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, proposes to sell a portion of the vacated Southeast 4<sup>th</sup> Street right-of-way located east of and adjoining 303 Scott Avenue, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: OneSpeed DSM, L.L.C.

Consideration: \$45,400.00

Legal Description:

PARCEL #2022-1164

A PART OF THE VACATED SE 4TH STREET RIGHT-OF-WAY LYING SOUTH OF SCOTT AVENUE AND ADJACENT TO LOTS 5, 10, 11 AND 12, BLOCK 80, TOWN OF DE MOINE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES

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MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF BLOCK 55 OF SAID TOWN OF DE MOINE; THENCE SOUTH 74°54'04" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SCOTT AVENUE, 440.63 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 14°59'56" EAST, 177.70 FEET; THENCE SOUTH 74°58'24" WEST, 42.63 FEET TO THE SOUTHEAST CORNER OF SAID LOT 12 AND THE WEST RIGHT-OF-WAY LINE OF VACATED SE 4TH STREET; THENCE NORTH 14°59'56" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 177.65 FEET TO SAID SOUTH RIGHT-OF-WAY LINE OF SCOTT AVENUE; THENCE NORTH 74°54'04" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 42.63 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.17 ACRES (7,574 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

2. A public hearing shall be held on November 21, 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. 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 21, 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.

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Moved by Datto 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	6			1
MOTION CARRIED	APPROVED			

John Fubelli  
MAYOR PRO TEM

**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