

22-1747

37

Date November 7, 2022

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**HOLD 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 Property and conveyance of a portion of said vacated right-of-way, and a portion of excess City property, to JSB Fiontair, LLC; and

**WHEREAS**, on October 24, 2022, by Roll Call No. 22-1637, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance be set for hearing on November 7, 2022, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal to vacate the East Jefferson Avenue right-of-way and convey said right-of-way, and a portion of excess City property, was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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



**Roll Call Number**

22-1747

**Agenda Item Number**

37

**Date** November 7, 2022

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the east-west East Jefferson Avenue right-of-way located west of Dixon Street and south of 1700 Dixon Street, legally described as follows, and said vacation is hereby approved:

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 5<sup>TH</sup> 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).

3. The proposed sale of 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 below and to the grantee and for the consideration identified below, subject to reservation of easements therein, and said conveyance is hereby approved:

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 5<sup>TH</sup> 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 5<sup>TH</sup> P.M. (EXCEPT THE NORTHEAST 40 ACRES), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK

Date November 7, 2022

COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.81 ACRES (35,500 SQUARE FEET).

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon proof of payment of the consideration, plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and a copy of the other documents to the grantee.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Westergaard to adopt. Second by Gatto.

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 |      |      |        |

Josh Fubell  
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