

22-1750

38

Date November 7, 2022

Page 1

**CONTINUED HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF EAST JEFFERSON AVENUE RIGHT-OF-WAY AND CONVEYANCE, ALONG WITH ADDITIONAL EXCESS CITY PROPERTY, ALL LOCATED NORTH OF AND ADJOINING 1626 DIXON STREET, TO LIBERTY HOLDINGS, INC. FOR \$13,725**

**WHEREAS**, on August 18, 2022, the City Plan and Zoning Commission voted to recommend to the City of Des Moines City Council the approval of a request from Liberty Holdings, Inc. to vacate the easternmost 255 lineal feet of East Jefferson Avenue right-of-way located west of Dixon Street and adjoining 1626 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**, Liberty Holdings, Inc., owner of 1626 Dixon Street, has offered to the City of Des Moines ("City") the purchase price of \$13,725.00 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 Liberty Holdings, Inc.; and

**WHEREAS**, on September 12, 2022, by Roll Call No. 22-1405, 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 October 3, 2022, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

**WHEREAS**, on October 3, 2022, by Roll Call No. 22-1548, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation hearing be continued to November 7, 2022, to allow both east and west portions of East Jefferson to be vacated and conveyed at the same City Council meeting; and

**WHEREAS**, due notice of said proposal to vacate the East Jefferson Avenue right-of-way and convey a portion of said right-of-way, and additional excess City property all adjoining 1626 Dixon Street, 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.

Date November 7, 2022

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

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 adjoining 1626 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 EAST LINE OF LOT 12 IN BLOCK 6 AND THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 12 IN BLOCK 8, 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 0.73 ACRES (31,750 SQUARE FEET).

3. The proposed sale of a portion of the vacated East Jefferson Avenue right-of-way, and additional excess City property, all adjoining 1626 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: Liberty Holdings, Inc.

Consideration: \$13,725.00

Legal Description:

ALL THAT PART OF VACATED EAST JEFFERSON AVENUE RIGHT OF WAY LYING BETWEEN THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 12 IN BLOCK 6 AND THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT G (VACATED DIXON COURT);

AND,

THE WEST HALF (W 1/2) OF LOT I (VACATED DIXON COURT) LYING EAST OF AND ADJOINING LOT 1 OF BLOCK 9, 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 0.35 ACRES (15,250 SQUARE FEET).

Date November 7, 2022

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 Boesen.

APPROVED AS TO FORM:

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 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