

★ Roll Call Number

22-1794

Agenda Item Number

24

Date November 21, 2022

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF DIXON COURT RIGHT-OF-WAY ADJOINING 1626 DIXON STREET AND CONVEYANCE TO LIBERTY HOLDINGS, INC. FOR \$8,440.00**

**WHEREAS**, on November 7, 2022, by Roll Call No. 22-1722, 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 Liberty Holdings, Inc. to vacate a 150-foot long segment of Dixon Court right-of-way located north of East Washington Avenue 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 further subject to an easement to allow vehicular access to the property locally known as 1611 Dixon Street. (Geo Parcel # 7924-36-253-029), and legally described as Lot 22 in Block 6, T.E. Brown's Official Plat of the Northeast Quarter of Section 36, Township 79, Range 24, Except the Northeast 40 acres of the same, which property is lying east of and adjoining the proposed vacation until such time that such easement is no longer needed; and

**WHEREAS**, Liberty Holdings, Inc. "Buyer", owner of 1626 Dixon Street, has offered to the City of Des Moines ("City") the purchase price of \$8,440.00 for the purchase of a portion of vacated Dixon Court right-of-way 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; and further subject to a Permanent Easement for Vehicular Ingress and Egress benefitting said property at 1611 Dixon Street (Geo Parcel # 7924-36-253-029) lying east of and adjoining the Dixon Court right-of-way, which easement will be reserved in the quit claim deed from the City to Buyer; 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 to Liberty Holdings, Inc.

**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 a 150-foot long segment of Dixon Court right-of-way located north of East Washington Avenue and adjoining 1626 Dixon Street, legally described as follows:

ALL THAT PART OF LOT G (DIXON COURT) LYING WEST OF AND ADJOINING LOTS 22 THROUGH 24 IN BLOCK 6, 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

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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 0.17 ACRES (7,500 SQUARE FEET).

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated Dixon Court right-of-way located north of East Washington Avenue and adjoining 1626 Dixon Street, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein, and further subject to a Permanent Easement for Vehicular Ingress and Egress:

Grantee: Liberty Holdings, Inc.

Consideration: \$8,440.00

Legal Description:

ALL THAT PART OF LOT G (VACATED DIXON COURT) LYING WEST OF AND ADJOINING LOTS 22 THROUGH 24 IN BLOCK 6, 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 0.17 ACRES (7,500 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 December 12, 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 December 12, 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.

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



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Moved by Gatto to adopt.
Second by Voss.

APPROVED AS TO FORM:

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

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

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 (signature)

Laura Baumgartner, City Clerk

J. M. Franklin Cownie (signature) Mayor