



Roll Call Number

22-1830

Agenda Item Number

51

Date November 21, 2022

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PORTION OF VACATED SOUTHEAST 2<sup>nd</sup> STREET RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 303 SCOTT AVENUE TO ONESPEED DSM, L.L.C. FOR \$17,400**

**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 2<sup>nd</sup> Street right-of-way located west 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 \$17,400.00 for the purchase of a portion of the vacated Southeast 2<sup>nd</sup> Street right-of-way located west 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 for the Property proposed to be sold, and the City will not be inconvenienced by the sale and conveyance of said Property; and

**WHEREAS**, on November 7, 2022 by Roll Call No. 22-1726, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on November 21, 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 convey the Property was given to all necessary parties 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 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the portion of Southeast 2<sup>nd</sup> Street right-of-way located west of and adjoining 303 Scott Avenue, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.



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2. There is no public need or benefit for the excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the portion of Southeast 2<sup>nd</sup> Street right-of-way located west of and adjoining 303 Scott Avenue, Des Moines, Iowa, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein and said conveyance is hereby approved:

Grantee: OneSpeed DSM, L.L.C.

Consideration: \$17,400.00

Legal Description:

PARCEL #2022-1163

A PART OF THE VACATED SE 2ND STREET RIGHT-OF-WAY LYING SOUTH OF SCOTT AVENUE AND ADJACENT TO LOTS 9, 10, 11 AND 12 OF BLOCK 80 OF TOWN OF DE MOINE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES 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, 483.26 FEET; THENCE SOUTHWEST CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE AND ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 567.57, WHOSE ARC LENGTH IS 213.96 FEET AND WHOSE CHORD BEARS SOUTH 66°21'54" WEST, 212.69 FEET TO THE EAST RIGHT-OF-WAY LINE OF VACATED SE 2ND STREET AND THE POINT OF BEGINNING; THENCE SOUTH 45°00'38" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 168.35 FEET TO THE SOUTHWEST CORNER OF SAID LOT 12 OF SAID TOWN OF DE MOINE; THENCE NORTH 48°21'51" WEST, 33.94 FEET; THENCE NORTH 58°53'26" WEST, 41.36 FEET; THENCE NORTH 62°58'17" WEST, 76.25 FEET; THENCE NORTH 47°54'10" WEST, 26.45 FEET TO SAID SOUTH RIGHT-OF-WAY LINE OF SCOTT AVENUE; THENCE NORTH 52°10'18" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 37.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.07 ACRES (2,897 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

3. 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.

4. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.

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.

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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 copies 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 Gatto to adopt. Second by Voss.

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

J. M. Franklin 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