



**Roll Call Number**

22-1881

**Agenda Item Number**

22

**Date** December 12, 2022

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT IN PROPERTY LOCATED EAST OF AND ADJOINING 2035 EAST OVID AVENUE TO PETERSON VENTURES, LLC FOR \$225.00**

**WHEREAS**, the City of Des Moines, Iowa is the owner of certain property located east of and adjoining 2035 East Ovid Avenue, Des Moines, Iowa, upon which property the City has constructed a stormwater drainage canal; and

**WHEREAS**, Peterson Ventures, LLC, (“Buyer”), a South Dakota limited liability company, owner of 2035 East Ovid Avenue, has offered to the City of Des Moines (“City”) the purchase price of \$225.00 for the purchase of a Permanent Easement for Building Encroachment upon a portion of the City property located east of and adjoining its property (hereinafter “Easement Area”) to allow for the continued placement, repair, and maintenance of certain mechanical equipment as an encroachment onto the City property, which price reflects the fair market value of the permanent easement as determined by the City’s Real Estate Division; and

**WHEREAS**, there is no known current or future public need or benefit for the Easement Area, and the City will not be inconvenienced by the conveyance of a Permanent Easement for Building Encroachment upon said City 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 convey a Permanent Easement for Building Encroachment in a portion of the City property located east of and adjoining 2035 East Ovid Avenue, as legally described below, to Peterson Ventures, LLC for \$225.00:

That part of Lot 26, OVID HEIGHTS, an official plat, located in the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the northwest corner of said Lot 26; thence South 00 degrees 00 minutes 44 seconds West, a distance of 166.15 feet, to the Point of Beginning; thence South 89 degrees 59 minutes 16 seconds East, a distance of 12.00 feet; thence South 00 degrees 00 minutes 44 seconds West, a distance of 20.00 feet; thence North 89 degrees 59 minutes 16 seconds West, a distance of 12.00 feet; thence North 00 degrees 00 minutes 44 seconds East, a distance of 20.00 feet, to the Point of Beginning.

Containing 0.006 acres (240 square feet) more or less.

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2. A public hearing shall be held on January 9, 2023, 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 January 9, 2023 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.

Moved by Gatto to adopt. Second by Noss

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. Includes signature of Mayor and 'MOTION CARRIED' / 'APPROVED' text.

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.
Signature of Laura Baumgartner, City Clerk