

HOLD 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, 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 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.; and

WHEREAS, on November 21, 2022, by Roll Call No. 22-1794, 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 December 12, 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 and convey the Dixon Court right-of-way 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.



Roll Call Number

22-1918

Agenda Item Number

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Date December 12, 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 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, and said vacation is hereby approved:

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 5TH 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. The proposed sale of the vacated Dixon Court right-of-way, as legally described below and to the grantee and for the consideration identified below, subject to reservation of easements therein, and further subject to a Permanent Easement for Vehicular Ingress and Egress benefitting Geo Parcel # 7924-36-253-029 located immediately to the east of the Dixon Court right-of-way, and said conveyance is hereby approved:

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 5TH 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).

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. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement prior to closing.

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Date December 12, 2022

6. 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.

7. 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.

8. 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.

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

Moved by Westergaard to adopt. Second by Voss.

APPROVED AS TO FORM:

24 /s/ Mackenzie L. Moreno

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED
J. M. Franklin Cowrie 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