



Roll Call Number

23-0898

Agenda Item Number

20

Date June 26, 2023

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A VACATED PORTION OF SOUTHWEST 4TH STREET RIGHT-OF-WAY LOCATED BETWEEN PORTER AVENUE AND DIEHL AVENUE TO JESS JOHNSON, AS TRUSTEE OF THE JESS L. JOHNSON REVOCABLE TRUST DATED MAY 24, 2013, FOR \$450.00

WHEREAS, on May 8, 2023, by Roll Call No. 23-0645 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 Lisa Wertz and Kristopher Wertz (Contract Buyers), for vacation of approximately 283 lineal feet of undeveloped Southwest 4th Street right-of-way bounded by Porter Avenue to the north and Diehl Avenue to the south, and to the east of and adjacent to the property at 400 Porter Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, Jess L. Johnson, as Trustee of the Jess L. Johnson Revocable Trust dated May 24, 2013, owner of 400 Porter Avenue, Des Moines, Iowa, has offered to the City of Des Moines (“City”) the purchase price of \$450.00 for the purchase of that portion of the vacated Southwest 4th Street right-of-way lying east of and adjoining his property at 400 Porter Avenue (hereinafter “Property”), for assemblage with 400 Porter 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 or benefit for the City Property proposed to be sold, and the City will not be inconvenienced by the sale of said 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 sell the portion of vacated Southwest 4th Street right-of-way lying east of and adjoining 400 Porter Avenue, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: Jess L. Johnson, as Trustee of the Jess L. Johnson Revocable Trust dated May 24, 2013
Consideration: \$450.00

Legal Description: A PART OF LOT H IN THE CORRECTED PLAT OF THE FIRST ADDITION TO THOMAS HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 32, BLOCK 3 IN SAID CORRECTED PLAT OF THE FIRST ADDITION TO THOMAS HEIGHTS; THENCE WEST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 32 TO A POINT ON THE CENTERLINE OF SAID LOT H AND TO THE POINT OF BEGINNING; THENCE CONTINUING WEST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 32 TO THE WEST LINE OF SAID LOT H; THENCE NORTHWEST ALONG SAID WEST LINE OF SAID LOT



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H TO THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 1 IN SAID BLOCK 3; THENCE EAST ALONG THE WESTERLY EXTENSION OF SAID NORTH LINE OF SAID LOT 1 TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTHEAST ALONG THE WEST LINE OF SAID LOT 1 TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE WEST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1 TO A POINT ON SAID CENTERLINE OF SAID LOT H; THENCE SOUTHEAST ALONG SAID CENTERLINE OF SAID LOT H TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.24 ACRES (10,502 SQUARE FEET).

- 2. A public hearing shall be held on July 17, 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.
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 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. Includes signatures of 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, City Clerk