



Roll Call Number

23-1036

Agenda Item Number

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Date July 17, 2023

HOLD 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 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 June 26, 2023 by Roll Call No. 23-0898, 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 July 17, 2023, 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 vacated Southwest 4th Street right-of-way lying east of and adjoining 400 Porter 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 vacated Southwest 4th Street right-of-way lying east of and adjoining 400 Porter 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: 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 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).

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. 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.

5. 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.

6. 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.



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

Moved by Gatto to adopt. Second by Boesen.

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.

MOTION CARRIED APPROVED
J.M. Frankhu 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