



Roll Call Number

23-1244

Agenda Item Number

20

Date September 11, 2023

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF EAST 16TH STREET RIGHT-OF-WAY AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT TO GEORGE M. CLAYTON FOR \$550.00

WHEREAS, on April 10, 2023, by Roll Call No. 23-0479, 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 George M. Clayton to vacate a portion of surface right-of-way adjoining 1601 East Grand Avenue to allow the encroachment of an existing staircase within the East 16th Street right-of-way; and

WHEREAS, George M. Clayton, owner of 1910 Ingersoll Avenue, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$550.00 for the purchase of a Permanent Easement for Building Encroachment under, over, through, and across a small segment of East 16th Street right-of-way located west of and adjoining 1601 East Grand Avenue, Des Moines, Iowa (hereinafter “Property”); and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be vacated, and the City will not be inconvenienced by the vacation of said Property and conveyance of a Permanent Easement for Building Encroachment therein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a segment of East 16th Street right-of-way located west of and adjoining 1601 East Grand Avenue, Des Moines, Iowa, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, legally described as follows:

A parcel of land being a part of the East 16th Street right of way lying west of and adjoining Lot 20, Block 9, Stewart’s addition to the City of Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and described as follows:

COMMENCING at the Northwest corner of said Lot 20; THENCE South 14°59’49” east, along the west line of Lot 20, a distance of 28.22 feet to the POINT OF BEGINNING; THENCE continuing southerly along the west line South 14°59’49” East, a distance of 38.00 feet; THENCE South 75°00’11” West, a distance of 6.00 feet; THENCE North 14°59’49” West, a distance of 38.00 feet; THENCE North 75°00’11” East, a distance of 6.00 feet to the POINT OF BEGINNING, containing 228.0 square feet, more or less.

2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Building Encroachment, as legally described below, to George M. Clayton, for \$550.00:

A parcel of land being a part of the VACATED East 16th Street right of way lying west of and adjoining Lot 20, Block 9, Stewart’s addition to the City of Des Moines, an Official Plat, now

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included in and forming a part of the City of Des Moines, Polk County, Iowa, and described as follows:

COMMENCING at the Northwest corner of said Lot 20; THENCE South 14°59'49" east, along the west line of Lot 20, a distance of 28.22 feet to the POINT OF BEGINNING; THENCE continuing southerly along the west line South 14°59'49" East, a distance of 38.00 feet; THENCE South 75°00'11" West, a distance of 6.00 feet; THENCE North 14°59'49" West, a distance of 38.00 feet; THENCE North 75°00'11" East, a distance of 6.00 feet to the POINT OF BEGINNING, containing 228.0 square feet, more or less.

3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such easement is to be considered shall be on October 2, 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.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
5. 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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

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.

J. M. Franklin Cownie Mayor

Laura Baumgartner
 Laura Baumgartner, City Clerk