



Roll Call Number

23-1245

Agenda Item Number

21

Date September 11, 2023

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT FOR INGRESS AND EGRESS IN A PORTION OF VACATED 41ST STREET RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING 545 42ND STREET TO PLYMOUTH CONGREGATIONAL CHURCH OF THE UNITED CHURCH OF CHRIST

WHEREAS, on January 25, 1999, by Roll Call 99-219, the City of Des Moines City Council passed Ordinance No. 13,671 vacating all of the 41st Street right-of-way between Grand Avenue and Ingersoll Avenue; and

WHEREAS, on March 27, 2023, by Roll Call 23-0426, the City of Des Moines City Council voted to approve a Real Estate Purchase Installment Contract with St. Augustin’s Church of Des Moines for that part of vacated 41st Street adjoining 545 42nd Street; and

WHEREAS, Plymouth Congregational Church of the United Church of Christ, owner of 4126 Ingersoll Avenue, Des Moines, Iowa, which property adjoins 545 42nd Street, has requested a Permanent Easement for Ingress and Egress over that portion of the vacated 41st Street that adjoins 545 42nd Street to permit its customers, invitees, lessees, sub-lessees, employees, agents, licensees, contractors, vendors and suppliers vehicular and pedestrian ingress and egress thereupon; and

WHEREAS, in exchange for the granting of the easement, Plymouth Congregational Church of the United Church of Christ has offered to grant equal vehicular and pedestrian ingress and egress to St. Augustin’s Church of Des Moines over that portion of vacated 41st Street adjoining 4126 Ingersoll Avenue and owned by Plymouth Congregational Church; and

WHEREAS, St. Augustin’s Church of Des Moines, as Contract Buyer, has provided signed consent to the conveyance of a Permanent Easement for Ingress and Egress to Plymouth Congregational Church; and

WHEREAS, there is no known current or future public need or benefit for the City Property interest proposed to be conveyed, and the City will not be inconvenienced by its conveyance.

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 Ingress and Egress over that portion of the vacated 41st Street that adjoins 545 42nd Street, as legally described below, to Plymouth Congregational Church of the United Church of Christ:

ALL THAT PART OF VACATED 41ST STREET RIGHT OF WAY BETWEEN INGERSOLL AVENUE AND GRAND AVENUE, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
THE VACATED EAST 59.0 FEET OF THE 66.0 FOOT 41ST STREET RIGHT OF WAY LYING EAST OF AND ADJOINING THE SOUTH 300.0 FEET OF LOT 5, GREENWOOD PARK, AN OFFICIAL



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PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA. (VACATED BY ORDINANCE 13671, PASSED JANUARY 25, 1999).

- 2. A public hearing shall be held 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.
- 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. There are no proceeds associated with this grant of easement.

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, VOSS, WESTERGAARD, and TOTAL.

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 City Clerk