



Roll Call Number

23-1318

Agenda Item Number

28

Date October 2, 2023

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF HART AVENUE RIGHT-OF-WAY IN THE VICINITY OF 1540 HART AVENUE AND CONVEYANCE TO BOUNTHIENG J. EGKHOUNMUONG AND MANICHANH EGKHOUNMUONG FOR \$800.00

WHEREAS, on August 21, 2023, by Roll Call No. 23-1168, the City Council of the City of Des Moines, Iowa voted to receive and file the communication from the Plan and Zoning Commission recommending the approval of a request from Bounthieng J. Egkhounmuong and Manichanh Egkhounmuong for vacation of 461 lineal feet of the easternmost undeveloped Hart Avenue right-of-way in the vicinity of adjoining properties at 1540 Hart Avenue, subject to the reservation of easements for public until such time that they are abandoned or relocated at the applicant's expense and provision of any necessary no-build easements; and

WHEREAS, Bounthieng J. Egkhounmuong and Manichanh Egkhounmuong, are the owners of 1540, 1545, 1560, 1575 and 1580 Hart Avenue, Des Moines, Iowa, all of which adjoin and the easternmost 461 feet of Hart Avenue, have offered to the City of Des Moines ("City") the purchase price of \$800.00 for the purchase of the portion of vacated Hart Avenue right-of-way lying between their adjoining properties (hereinafter "Property"), for assemblage with their adjoining properties, 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, the City's Real Estate Division has determined that a no-build easement is not necessary; 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, that:

- 1. The City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the easternmost 461 feet of undeveloped Hart Avenue right-of-way adjoining 1540, 1545, 1560, 1575 and 1580 Hart Avenue, Des Moines, Iowa, legally described as follows:

ALL THAT PART OF HART AVENUE RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 22, 23 AND 24, CAPITOL VIEW ACRES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 20,120 SQUARE FEET.

- 2. The City Council of the City of Des Moines, Iowa, further proposes to sell the portion of Hart Avenue right-of-way adjoining 1540, 1545, 1560, 1575 and 1580 Hart Avenue, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein:

★ Roll Call Number

83-1318

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Date October 2, 2023

Grantee: Bounthieng J. Egkhounmuong and Manichanh Egkhounmuong
Consideration: \$800.00

Legal Description:

ALL THAT PART OF VACATED HART AVENUE RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 22, 23 AND 24, CAPITOL VIEW ACRES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 20,120 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on October 23, 2023, said meeting to be held 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. Persons interested in the proposal will be given the opportunity to express their views at that 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 Boesen.

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill, Assistant City Attorney

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

MOTION CARRIED APPROVED
J. M. Frank 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