

23-1561

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Date November 6, 2023

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF SUBSURFACE RIGHTS WITHIN LOCUST STREET RIGHT-OF-WAY ADJOINING 1716 LOCUST STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR SUBSURFACE BUILDING ENCROACHMENT ON CITY-OWNED PROPERTY TO MEREDITH OPERATIONS CORPORATION FOR \$4,700

WHEREAS, Meredith Operations Corporation, represented by Jeff R. Buscher, Director, Des Moines Building Services, Dotdash Meredith, has requested the vacation of a portion of Locust Street right-of-way located north of and adjoining its property at 1716 Locust Street, which request was not presented to the City’s Plan and Zoning Commission for review and has instead been determined by the City Traffic Engineer to have no significant impact upon the public use of the right-of-way, in accordance with Municipal Code 102-286(b), Des Moines, Iowa, subject to the reservation of any necessary easements for all existing utilities in place until abandoned or relocated at the applicant’s expense; and

WHEREAS, Meredith Operations Corporation, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$4,700.00 for the purchase of a Permanent Easement for Subsurface Building Encroachment On City-Owned Property (“Easement”) below the portion of Locust Street right-of-way located north of and adjoining its property at 1716 Locust Street (hereinafter “Easement Area”), for the purpose of operating and maintaining an existing subsurface building encroachment into the Locust Street right-of-way; which price reflects the fair market value of the Easements as determined by the City’s Real Estate Division; and

WHEREAS, there is no known current or future public need for the street right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation of said property and the conveyance of the Easement in such vacated right-of-way; and

WHEREAS, on October 23, 2023, by Roll Call No. 23-1426, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of the Locust Street right-of-way and conveyance of the Permanent Easement for Subsurface Building Encroachment On City-Owned Property be set for hearing on November 6, 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 vacate the Locust Street right-of-way and convey the Easement was given 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 vacation and 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 vacation of the subsurface rights within a portion of Locust Street right-of-way located north of and adjoining 1716 Locust Street, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the subsurface right-of-way within a portion of Locust Street right-of-way located north of and adjoining 1716 Locust Street, legally described as follows, and said vacation is hereby approved:

THE SOUTHERLY 12.50 FEET OF LOCUST STREET RIGHT OF WAY ADJOINING THE WEST 113.00 FEET OF THE EAST 246.00 FEET OF LOT 1, MEREDITH PLACE, PLAT ONE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING (1,412 SQUARE FEET) 0.03 ACRES, MORE OR LESS.

FOR THE PURPOSE OF THIS DESCRIPTION, ALL BEARING AND DISTANCES ARE REFERENCED TO NAD83(2011) IA SPCS SOUTH ZONE, US SURVEY FOOT.

3. The proposed conveyance of the Permanent Easement for Subsurface Building Encroachment On City-Owned Property in such vacated street right-of-way, as legally described below, to Meredith Operations Corporation for \$4,700.00, and said conveyance is hereby approved:

THE SOUTHERLY 12.50 FEET OF VACATED LOCUST STREET RIGHT OF WAY ADJOINING THE WEST 113.00 FEET OF THE EAST 246.00 FEET OF LOT 1, MEREDITH PLACE, PLAT ONE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING (1,412 SQUARE FEET) 0.03 ACRES, MORE OR LESS.

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4. The Mayor is authorized and directed to sign the Offer to Purchase and the Permanent Easement for Subsurface Building Encroachment On City-Owned Property for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. 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 Permanent Easement for Subsurface Building Encroachment On City-Owned Property, 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.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Easement for Subsurface Building Encroachment On City-Owned Property, together with a certified

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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.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Permanent Easement for Subsurface Building Encroachment On City-Owned Property and a copy of the other documents to the grantee.

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

Moved by Mandelbaum to adopt. Second by Voss.

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. Frankha Cowrie
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