

★ Roll Call Number

24-0248

Agenda Item Number

23

Date February 19, 2024

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF 3312 8<sup>TH</sup> STREET, THE PROPERTY LOCATED SOUTH OF AND ADJOINING 3400 8<sup>TH</sup> STREET AND CONVEYANCE TO THE CITY DES MOINES IOWA MUNICIPAL HOUSING AGENCY FOR \$1.00**

**WHEREAS**, on May 20, 2019, by Roll Call No. 19-0791, the City Council of the City of Des Moines, Iowa voted to approve the acquisition of the necessary property interests for the 2019 City-wide Sewer and Surface Water Flowage Repair project, hereinafter (“Project”); and

**WHEREAS**, as part of the Project, the City acquired the property located at 3312 8<sup>th</sup> Street from Randy Schuh; and

**WHEREAS**, The City of Des Moines, Iowa Municipal Housing Agency, has requested the vacation of 3312 8<sup>th</sup> Street located south of and adjoining its property at 3400 8<sup>th</sup> Street; and

**WHEREAS**, City of Des Moines, Iowa Municipal Housing Agency, 3400 8<sup>th</sup> Street, Des Moines, has offered to the City of Des Moines (“City”) the purchase price of \$1.00 for the purchase of the vacated 3312 8<sup>th</sup> Street property lying south of and adjoining its property at 3400 8<sup>th</sup> Street, for assemblage with 3400 8<sup>th</sup> Street, 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 reserves a permanent easement upon, over and within the west 50 feet of the property, for storm sewer and surface water flowage, legally described as; and

***-EXCEPT THE EAST 80.0 FEET THEREOF-***, LOTS TWO (2) AND THREE (3) AND THE 50 FEET IMMEDIATELY WEST OF AND ADJACENT TO SAID LOTS 2 AND 3 IN MANN’S FOURTH ADDITION TO LAKE PARK, AN OFFICIAL PLAT, (*ALSO DESCRIBED AS L.M. MANN’S FOURTH ADDITION TO LAKE PARK, AN OFFICIAL PLAT*), NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 10,175 SQUARE FEET

**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, as follows:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating 3312 8th Street, legally described as follows:



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2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated property at 3312 8th Street, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein:

Grantee:	<b>City of Des Moines, Iowa Municipal Housing Agency</b>
Consideration:	\$1.00
Legal Description:	

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2. A public hearing shall be held on March 4, 2024, 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. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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Moved by Gatto to adopt. Second by Voss.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno  
 Mackenzie L. Moreno, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
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.

Conie Boeser Mayor

Laura Baumgartner  
 Laura Baumgartner, City Clerk