



Roll Call Number

24-1236

Agenda Item Number

28

Date September 16, 2024

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF PORTIONS OF E. UNIVERSITY AVENUE RIGHT-OF-WAY ADJOINING 1427 E. UNIVERSITY AVENUE AND CONVEYANCE TO DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT

WHEREAS, the Des Moines Independent Community School District (“DMICSD”) has submitted a site plan for upgrades to East High School’s practice facility at 1427 East University Avenue. Before the City will approve the site plan, they have requested that some of the right-of-way along E. University Avenue be vacated and conveyed to DMICSD to clean up the parcel lines in that area: and

WHEREAS, DMICSD has requested that the City of Des Moines vacate and convey portions of E. University Avenue right-of-way lying north of and adjoining 1427 East University Avenue, 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, DMICSD has agreed to acquire the Property for no consideration in accordance with Iowa Code §364.7(3); and

WHEREAS, there is no known current or future public need or benefit for the City Property proposed to be conveyed, and the City will not be inconvenienced by the conveyance 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 portions of E. University Avenue right-of-way located north of and adjoining 1427 E. University Avenue, legally described as follows:

AN IRREGULAR SHAPED PORTION OF THE E UNIVERSITY AVENUE RIGHT OF WAY LYING WITHIN LOTS 278 THROUGH 284 INCLUSIVE, IN ASHBROOK, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 280; THENCE S89°58'54”W ALONG THE SOUTH LINE OF SAID LOT 280 , A DISTANCE OF 36.1 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89°58'54”W

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ALONG THE SOUTH LINE OF SAID LOTS 280, 279 AND 278, A DISTANCE OF 107.39 FEET; THENCE N14°45'06"W, A DISTANCE OF 3.99 FEET; THENCE N80°50'33"E, A DISTANCE OF 51.57 FEET; THENCE N72°00'14"E, A DISTANCE OF 52.54 FEET; THENCE N66°29'40"E, A DISTANCE OF 107.60 FEET; THENCE NORTHEASTERLY ALONG A 350.0 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A DISTANCE OF 142.48 FEET, SAID CURVE HAVING A CHORD BEARING OF N78°09'24"E AND A CHORD LENGTH OF 141.50 FEET; THENCE N89°49'08"E, A DISTANCE OF 6.89 FEET; THENCE S01°03'17"W, A DISTANCE OF 9.94 FEET; THENCE N89°58'19"W, A DISTANCE OF 50.00 FEET; THENCE N01°03'17"E, A DISTANCE OF 6.82 FEET; THENCE SOUTHWESTERLY ALONG A 555.54 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A DISTANCE OF 112.45 FEET, SAID CURVE HAVING A CHORD BEARING OF S73°15'59"W AND A CHORD LENGTH OF 112.26 FEET; THENCE S67°04'54"W, A DISTANCE OF 93.90 FEET; THENCE S14°55'06"E, A DISTANCE OF 29.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,187 SQUARE FEET

- 2. The City Council of the City of Des Moines, Iowa, further proposes to convey the vacated E. University Avenue right-of-way lying north of and adjoining 1427 E. University Avenue, as legally described below, to the Des Moines Independent Community School District for no consideration and in accordance with Iowa Code §364.7(3), subject to a reservation of easements therein:

AN IRREGULAR SHAPED PORTION OF THE VACATED E UNIVERSITY AVENUE RIGHT OF WAY LYING WITHIN LOTS 278 THROUGH 284 INCLUSIVE, IN ASHBROOK, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 280; THENCE S89°58'54"W ALONG THE SOUTH LINE OF SAID LOT 280 , A DISTANCE OF 36.1 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89°58'54"W ALONG THE SOUTH LINE OF SAID LOTS 280, 279 AND 278, A DISTANCE OF 107.39 FEET; THENCE N14°45'06"W, A DISTANCE OF 3.99 FEET; THENCE N80°50'33"E, A DISTANCE OF 51.57 FEET; THENCE N72°00'14"E, A DISTANCE OF 52.54 FEET; THENCE N66°29'40"E, A DISTANCE OF 107.60 FEET; THENCE NORTHEASTERLY ALONG A 350.0 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A DISTANCE OF 142.48 FEET, SAID CURVE HAVING A CHORD BEARING OF N78°09'24"E AND A CHORD LENGTH OF 141.50 FEET; THENCE N89°49'08"E, A DISTANCE OF 6.89 FEET; THENCE S01°03'17"W, A DISTANCE OF 9.94 FEET; THENCE N89°58'19"W, A DISTANCE OF 50.00 FEET;

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THENCE N01°03'17"E, A DISTANCE OF 6.82 FEET; THENCE SOUTHWESTERLY ALONG A 555.54 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A DISTANCE OF 112.45 FEET, SAID CURVE HAVING A CHORD BEARING OF S73°15'59" W AND A CHORD LENGTH OF 112.26 FEET; THENCE S67°04'54"W, A DISTANCE OF 93.90 FEET; THENCE S14°55'06"E, A DISTANCE OF 29.25 FEET TO THE POINT OF BEGINNING.

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3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such right-of-way is to be considered shall be on October 7, 2024, 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. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. October 3, 2024 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

4. 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.

5. There will be no proceeds associated with the conveyance of this property.

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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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL. Includes signature of Connie Boesen, 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, City Clerk (with signature)