

Date October 7, 2024

HOLD 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; and

WHEREAS, on September 16, 2024, by Roll Call No. 24-1236, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the alley right-of-way be set for hearing on October 7, 2024, 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 and convey the street right-of-way 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 and conveyance of portions of E. University Avenue right-of-way located north

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of and adjoining 1427 E. University Avenue, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of portions of E. University Avenue right-of-way located north of and adjoining 1427 E. University Avenue, legally described as follows, and said vacation is hereby approved:

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 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

3. That the conveyance of such vacated street right-of-way, 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 reservation of easements therein, be and is hereby approved:

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:

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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; 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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4. The Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk is authorized and directed to forward the original of the Quit Claim Deed, 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 Quit Claim Deed, together with a certified 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 Quit Claim Deed and a copy of the other documents to the grantee.
8. There will be no proceeds associated with the conveyance of this property.

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24-1375

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Moved by Gatto to adopt. Second by Mandelbaum.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno

Mackenzie L. Moreno, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Connie Boeser 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