

**Date** October 21, 2024

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT FOR INGRESS AND EGRESS ACROSS CITY-OWNED PROPERTY LOCATED NORTH OF 1544 48<sup>TH</sup> STREET TO SWITT PROPERTIES, LLC FOR \$1.00**

**WHEREAS**, on July 17, 2023, by Roll Call 23-0982, the City Council of the City of Des Moines, Iowa approved the transfer of ownership and control of the Des Moines Masonic Cemetery (“Cemetery”) located at 1550 48<sup>th</sup> Street to the City of Des Moines (“City”); and

**WHEREAS**, the transfer of the Cemetery to the City included GeoParcel 7924-31-251-037 (“City Property”), which has a road that accesses the Cemetery from 48<sup>th</sup> Street; and

**WHEREAS**, the City needs to convey a Permanent Easement for Ingress and Egress (“Easement”) across the City Property to allow Switt Properties, LLC, the owner of 1544 48<sup>th</sup> Street, access to their property from 48<sup>th</sup> Street; and

**WHEREAS**, the City and the public will not be inconvenienced by the conveyance of said Easement to Switt Properties, LLC.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council of the City of Des Moines, Iowa, proposes to convey a Permanent Easement for Ingress and Egress across a portion of City Property locally known as GeoParcel 7924-31-251-037, as legally described below, for the consideration of \$1.00 to Switt Properties, LLC to allow for access to 1544 48<sup>th</sup> Street:

THE NORTH 50 FEET OF LOTS 26 AND 27, GILBERT PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. A public hearing shall be held on November 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. There will be no proceeds associated with the conveyance of this easement.

★ Roll Call Number  
24-1443

Agenda Item Number  
22

Date October 21, 2024

Moved by Gatts 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
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED APPROVED  
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  
Laura Baumgartner, City Clerk