



Roll Call Number

24-1525

Agenda Item Number

36

Date November 4, 2024

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT FOR INGRESS AND EGRESS ACROSS CITY-OWNED PROPERTY LOCATED NORTH OF 1544 48TH 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 48th 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 48th 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 48th Street, access to their property from 48th Street; and

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

WHEREAS, on October 21, 2024, by Roll Call No. 24-1443, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on November 4, 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 convey the Easement was given to all necessary parties 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 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 conveyance of a Permanent Easement for Ingress and Egress across City-owned property locally known as GeoParcel 7924-31-251-037, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the Easement proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of said Permanent Easement for Ingress and Egress,



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as legally described, to Switt Properties, LLC for the consideration of \$1.00, subject to any and all easements, restrictions and covenants of record, and said conveyance is hereby approved:

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.

3. The Mayor is authorized and directed to sign the Permanent Easement for Ingress and Egress for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of the Permanent Easement for Ingress and Egress, 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.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Easement for Ingress and Egress, 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.
6. 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 Ingress and Egress and copies of the other documents to the grantee.



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Moved by Coleman to adopt. Second by Voss.

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL.

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 City Clerk