



**Roll Call Number**

25-0031

**Agenda Item Number**

20

**Date** January 13, 2025

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY PROPERTY LOCATED AT 3770 AND 3790 HUBBELL AVENUE TO CASEY O'SHEEN SMITH FOR \$2,000.00**

**WHEREAS**, the City of Des Moines, Iowa ("City") acquired property locally known as 3770 and 3790 Hubbell Avenue for the Hubbell Avenue Improvements – East 33<sup>rd</sup> Street to East 38<sup>th</sup> Street Project, and after completion of the project, it was determined that a portion of these parcels (together hereinafter "Property") more particularly described below, were not needed for right-of-way purposes; and

**WHEREAS**, Casey O' Sheen Smith, owner of the adjoining property at 3838 East 38<sup>th</sup> Street, has offered to the City the purchase price of \$2,000.00 for the purchase of said Property for side yard purposes only, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, and further subject to a no-build easement, which easement will be included in the Quit Claim Deed from City to the buyer, which purchase price reflects the restricted fair market value of the City Property as determined by the City's Real Estate Division; and

**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. The City Council of the City of Des Moines, Iowa, proposes to sell 3770 and 3790 Hubbell Avenue, Des Moines, Iowa, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein, and further subject to a no-build easement:

Grantee: Casey O' Sheen Smith

Consideration: \$2,000.00

Legal Description:

A PART OF THE EAST 10 ACRES OF THE SE 1/4 OF THE SE 1/4 OF SECTION 20, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5<sup>TH</sup> P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL B OF PLAT OF SURVEY RECORDED IN BOOK 7173 PAGE 686 BEING A PART OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 20, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5<sup>TH</sup> P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SAID PARCEL B WAS ACQUIRED BY THE CITY OF DES MOINES PER DEED RECORDED IN BOOK 17474 PAGE 967 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, ***-EXCEPT*** THE PARCEL DEEDED TO THE STATE OF IOWA AND RECORDED IN BOOK 17559



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25.DD31

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PAGE 81 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS: THE SOUTH 16.00 FEET (AS MEASURED PERPENDICULAR TO THE SOUTHERLY LINE) OF SAID PARCEL "B" OF THE EAST 10 ACRES OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 IN SECTION 20, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AS SHOWN ON THE SAID PLAT OF SURVEY RECORDED IN BOOK 7173, PAGE 686-,

AND

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF EAST 38TH STREET AND THE NORTH RIGHT OF WAY LINE OF AVENUE FREDRICK M. HUBBELL; THENCE RUNNING NORTH 60 FEET; THENCE WEST 60 FEET; THENCE SOUTH TO THE NORTH RIGHT OF WAY LINE OF AVENUE FREDRICK M. HUBBELL; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE NORTH RIGHT OF WAY LINE OF AVENUE FREDRICK M. HUBBELL TO THE PLACE OF BEGINNING, EXCEPT THE 2 FEET LYING ADJACENT TO AND PARALLEL TO THE NORTH RIGHT OF WAY LINE OF AVENUE FREDRICK M. HUBBELL, ALL IN THE EAST 10 ACRES OF THE SE 1/4 OF THE SE 1/4 OF SECTION 20, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5<sup>TH</sup> P.M., IOWA, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND THE ABOVE DESCRIBED AREA WAS ACQUIRED BY THE CITY OF DES MOINES AND RECORDED IN BOOK 17165 PAGE 231 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, -EXCEPT THE PARCEL DEEDED TO THE STATE OF IOWA AND RECORDED IN BOOK 17559 PAGE 81 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS: THE SOUTH 16.00 FEET (AS MEASURED PERPENDICULAR TO SAID NORTH RIGHT OF WAY LINE OF AVENUE FREDRICK M. HUBBELL OF A PARCEL BEGINNING AT THE INTERSECTION OF SAID WEST RIGHT OF WAY LINE OF EAST 38TH STREET AND SAID NORTH RIGHT OF WAY LINE OF AVENUE FREDRICK M. HUBBELL; THENCE RUNNING NORTH 60 FEET; THENCE WEST 60 FEET; THENCE SOUTH TO THE NORTH RIGHT OF WAY LINE OF AVENUE FREDRICK M. HUBBELL; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID NORTH RIGHT OF WAY LINE OF AVENUE FREDRICK M. HUBBELL TO THE PLACE OF BEGINNING, EXCEPT THE 2 FEET LYING ADJACENT TO AND PARALLEL TO SAID NORTH RIGHT OF WAY LINE OF AVENUE FREDRICK M. HUBBELL, ALL IN SAID EAST 10 ACRES OF THE SE 1/4 OF THE SE 1/4 OF SECTION 20, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5<sup>TH</sup> P.M., IOWA, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA-.



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- 2. A public hearing shall be held on January 27, 2025, 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. The proceeds associated with this transaction shall be deposited into the Hubbell Avenue Improvements – E. 33<sup>rd</sup> Street to E. 38<sup>th</sup> Street project, ST259.

Moved by Gatto to adopt. Second by Mandelbaum.

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 (7 yeas).

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