



**Roll Call Number**

25-0032

**Agenda Item Number**

21

**Date** January 13, 2025

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**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF MULBERRY STREET RIGHT-OF-WAY ADJOINING 204 12<sup>TH</sup> STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR SURFACE BUILDING ENCROACHMENT ON CITY-OWNED PROPERTY TO CORDOBA HOLDINGS DSM LLC FOR \$1,560.00**

**WHEREAS**, Cordoba Holdings DSM LLC, the owner of 204 12th Street, has requested that the City of Des Moines, Iowa (“City”) vacate surface rights in portion of Mulberry Street right-of-way adjoining 204 12th Street, 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); and

**WHEREAS**, Cordoba Holdings DSM LLC has offered to the City the purchase price of \$1,560.00 for the purchase of a Permanent Easement for Surface Building Encroachment on City-Owned Property (“Easement”) over, through and across a portion of Mulberry Street right-of-way adjoining 204 12th Street (hereinafter “Easement Area”) for the purpose of constructing, operating, maintaining and repairing the step entrance as part of the building at 204 12<sup>th</sup> Street, which price reflects the fair market value of the Easement as determined by the City’s Real Estate Division; and

**WHEREAS**, there is no known current or future public need for the street right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation of said property and the conveyance of the Easement in such vacated right-of-way.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating surface rights in a portion of Mulberry Street right-of-way adjoining 204 12th Street, legally described as follows:

A PART OF MULBERRY STREET RIGHT-OF-WAY LYING SOUTH OF LOT 8, BLOCK 29, KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE

PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 74°01'33" WEST ALONG THE SOUTH LINE OF SAID LOT 8, A DISTANCE OF 49.29 FEET; THENCE SOUTH 15°58'27" EAST, 0.42 FEET TO THE SOUTH LINE OF THE NORTH 0.42 FEET OF VACATED MULBERRY STREET RIGHT-OF-WAY TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°58'27" EAST, 6.25 FEET;



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THENCE SOUTH 74°01'33" WEST, 12.50 FEET; THENCE NORTH 15°58'27" WEST, 6.25 FEET TO SAID SOUTH LINE OF THE NORTH 0.42 FEET OF VACATED MULBERRY STREET RIGHT-OF-WAY; THENCE NORTH 74°01'33" EAST ALONG SAID SOUTH LINE, 12.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 78 S.F.

2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Surface Building Encroachment on City-Owned Property in such vacated right-of-way, as legally described below, to Cordoba Holdings DSM LLC for \$1,560.00, subject to any and all easements, restrictions and covenants of record:

A PART OF VACATED MULBERRY STREET RIGHT-OF-WAY LYING SOUTH OF LOT 8, BLOCK 29, KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 74°01'33" WEST ALONG THE SOUTH LINE OF SAID LOT 8, A DISTANCE OF 49.29 FEET; THENCE SOUTH 15°58'27" EAST, 0.42 FEET TO THE SOUTH LINE OF THE NORTH 0.42 FEET OF VACATED MULBERRY STREET RIGHT-OF-WAY TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°58'27" EAST, 6.25 FEET; THENCE SOUTH 74°01'33" WEST, 12.50 FEET; THENCE NORTH 15°58'27" WEST, 6.25 FEET TO SAID SOUTH LINE OF THE NORTH 0.42 FEET OF VACATED MULBERRY STREET RIGHT-OF-WAY; THENCE NORTH 74°01'33" EAST ALONG SAID SOUTH LINE, 12.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 78 S.F.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on January 27, 2025, 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. At that time the City Council will consider the above-described proposal, and any other(s) submitted prior to or during the public hearing. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.



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Moved by Gatto to adopt. Second by Mandelbaum.

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