

Date January 27, 2025

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF SURFACE RIGHTS WITHIN PORTIONS OF INDIANOLA AVENUE AND E. HILLSIDE AVENUE RIGHT-OF-WAY ADJOINING 1961 INDIANOLA AVENUE AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT - DOOR SWING TO OPTIMAE LIFESERVICES, INC. FOR \$300.00**

**WHEREAS**, Optimae LifeServices, Inc., the owner of 1961 Indianola Avenue, has requested that the City of Des Moines, Iowa ("City") vacate surface rights in portions of Indianola Avenue and E. Hillside Avenue right-of-way adjoining 1961 Indianola 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); and

**WHEREAS**, Optimae LifeServices, Inc. has offered to the City the purchase price of \$300.00 for the purchase of a Permanent Easement for Building Encroachment – Door Swing ("Easement") over, through and across portions of Indianola Avenue and E. Hillside Avenue right-of-way adjoining 1961 Indianola Avenue (hereinafter "Easement Area") to allow for construction, repair, operation and maintenance of building door entrance stoops and door swing areas into and upon said right-of-way, 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 portions of Indianola Avenue and E. Hillside Avenue right-of-way adjoining 1961 Indianola Avenue, legally described as follows:

VACATION AREA "A":

A 5.00 FOOT WIDE EASEMENT OVER AND ACROSS A PORTION OF THE E. HILLSIDE AVENUE RIGHT OF WAY NORTH OF AND ADJACENT TO LOT 20, OFFICIAL PLAT OF THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES ,POLK COUNTY, IOWA, DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF E. HILLSIDE AVENUE WITH THE EAST RIGHT OF WAY LINE OF INDIANOLA AVENUE; THENCE S89°38'36"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 79.45 FEET TO THE POINT OF BEGINNING; THENCE N00°21'24"E, A DISTANCE OF 5.00 FEET; THENCE S89°38'36"E, A DISTANCE OF 5.00 FEET; THENCE S00°21'24"W, A DISTANCE OF 5.00 FEET TO THE SOUTH RIGHT OF

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WAY LINE OF SAID E. HILLSIDE AVENUE; THENCE N89°38'36"W ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 25.0 SQUARE FEET.

VACATION AREA "B":

A 5.00 FOOT WIDE EASEMENT OVER AND ACROSS A PORTION OF THE E. HILLSIDE AVENUE RIGHT OF WAY NORTH OF AND ADJACENT TO LOT 20, OFFICIAL PLAT OF THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES ,POLK COUNTY, IOWA, DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF E. HILLSIDE AVENUE WITH THE EAST RIGHT OF WAY LINE OF INDIANOLA AVENUE; THENCE S89°38'36"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 121.45 FEET TO THE POINT OF BEGINNING; THENCE N00°21'24"E, A DISTANCE OF 5.00 FEET; THENCE S89°38'36"E, A DISTANCE OF 5.00 FEET; THENCE S00°21'24"W, A DISTANCE OF 5.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID E. HILLSIDE AVENUE; THENCE N89°38'36"W ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 25.0 SQUARE FEET.

VACATION AREA "C":

A 5.00 FOOT WIDE EASEMENT OVER AND ACROSS A PORTION OF THE INDIANOLA AVENUE RIGHT OF WAY WEST OF AND ADJACENT TO LOT 20, OFFICIAL PLAT OF THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES ,POLK COUNTY, IOWA, DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF E. HILLSIDE AVENUE WITH THE EAST RIGHT OF WAY LINE OF INDIANOLA AVENUE; THENCE SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE AND ALONG A 793.94 FOOT RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 27.16 FEET TO THE POINT OF BEGINNING, SAID CURVE HAVING A CHORD BEARING OF S10°00'22"E AND A CHORD LENGTH OF 27.16 FEET; THENCE CONTINUING SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE AND ALONG A 793.94 FOOT RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 5.00 FEET, SAID CURVE HAVING A CHORD BEARING OF S08°50'44"E AND A CHORD LENGTH OF 5.00 FEET; THENCE S81°09'16"W, A DISTANCE OF 5.00 FEET; THENCE N08°50'44"W, A DISTANCE OF 5.00 FEET; THENCE N81°09'16"E, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 25.0 SQUARE FEET.

VACATION AREA "D":

A 5.00 FOOT WIDE EASEMENT OVER AND ACROSS A PORTION OF THE INDIANOLA AVENUE RIGHT OF WAY WEST OF AND ADJACENT TO LOT 20, OFFICIAL PLAT OF THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES ,POLK COUNTY, IOWA, DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF E. HILLSIDE AVENUE WITH THE EAST RIGHT OF WAY LINE OF INDIANOLA AVENUE; THENCE SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE AND ALONG A 793.94 FOOT RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 68.37 FEET TO THE POINT OF BEGINNING, SAID CURVE HAVING A CHORD BEARING OF S08°31'08"E AND A CHORD LENGTH OF 68.35 FEET;

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THENCE CONTINUING SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE AND ALONG A 793.94 FOOT RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 5.00 FEET, SAID CURVE HAVING A CHORD BEARING OF S05°52'18"E AND A CHORD LENGTH OF 5.00 FEET; THENCE S84°07'42"W, A DISTANCE OF 5.00 FEET; THENCE N05°52'18"W, A DISTANCE OF 5.00 FEET; THENCE N84°07'42"E, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 25.0 SQUARE FEET.

- 2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Building Encroachment – Door Swing in such vacated right-of-way, as legally described below, to Optima LifeServices, Inc. for \$300.00, subject to any and all easements, restrictions and covenants of record:

EASEMENT "A":

A 5.00 FOOT WIDE EASEMENT OVER AND ACROSS A PORTION OF VACATED E. HILLSIDE AVENUE RIGHT OF WAY NORTH OF AND ADJACENT TO LOT 20, OFFICIAL PLAT OF THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES ,POLK COUNTY, IOWA, DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF E. HILLSIDE AVENUE WITH THE EAST RIGHT OF WAY LINE OF INDIANOLA AVENUE; THENCE S89°38'36"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 79.45 FEET TO THE POINT OF BEGINNING; THENCE N00°21'24"E, A DISTANCE OF 5.00 FEET; THENCE S89°38'36"E, A DISTANCE OF 5.00 FEET; THENCE S00°21'24"W, A DISTANCE OF 5.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID E. HILLSIDE AVENUE; THENCE N89°38'36"W ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 25.0 SQUARE FEET.

EASEMENT "B":

A 5.00 FOOT WIDE EASEMENT OVER AND ACROSS A PORTION OF VACATED E. HILLSIDE AVENUE RIGHT OF WAY NORTH OF AND ADJACENT TO LOT 20, OFFICIAL PLAT OF THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES ,POLK COUNTY, IOWA, DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF E. HILLSIDE AVENUE WITH THE EAST RIGHT OF WAY LINE OF INDIANOLA AVENUE; THENCE S89°38'36"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 121.45 FEET TO THE POINT OF BEGINNING; THENCE N00°21'24"E, A DISTANCE OF 5.00 FEET; THENCE S89°38'36"E, A DISTANCE OF 5.00 FEET; THENCE S00°21'24"W, A DISTANCE OF 5.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID E. HILLSIDE AVENUE; THENCE N89°38'36"W ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 25.0 SQUARE FEET.

EASEMENT "C":

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INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF E. HILLSIDE AVENUE WITH THE EAST RIGHT OF WAY LINE OF INDIANOLA AVENUE; THENCE SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE AND ALONG A 793.94 FOOT RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 27.16 FEET TO THE POINT OF BEGINNING, SAID CURVE HAVING A CHORD BEARING OF S10°00'22"E AND A CHORD LENGTH OF 27.16 FEET; THENCE CONTINUING SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE AND ALONG A 793.94 FOOT RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 5.00 FEET, SAID CURVE HAVING A CHORD BEARING OF S08°50'44"E AND A CHORD LENGTH OF 5.00 FEET; THENCE S81°09'16"W, A DISTANCE OF 5.00 FEET; THENCE N08°50'44"W, A DISTANCE OF 5.00 FEET; THENCE N81°09'16"E, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 25.0 SQUARE FEET.

EASEMENT "D":

A 5.00 FOOT WIDE EASEMENT OVER AND ACROSS A PORTION OF VACATED INDIANOLA AVENUE RIGHT OF WAY WEST OF AND ADJACENT TO LOT 20, OFFICIAL PLAT OF THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES ,POLK COUNTY, IOWA, DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF E. HILLSIDE AVENUE WITH THE EAST RIGHT OF WAY LINE OF INDIANOLA AVENUE; THENCE SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE AND ALONG A 793.94 FOOT RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 68.37 FEET TO THE POINT OF BEGINNING, SAID CURVE HAVING A CHORD BEARING OF S08°31'08"E AND A CHORD LENGTH OF 68.35 FEET; THENCE CONTINUING SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE AND ALONG A 793.94 FOOT RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 5.00 FEET, SAID CURVE HAVING A CHORD BEARING OF S05°52'18"E AND A CHORD LENGTH OF 5.00 FEET; THENCE S84°07'42"W, A DISTANCE OF 5.00 FEET; THENCE N05°52'18"W, A DISTANCE OF 5.00 FEET; THENCE N84°07'42"E, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 25.0 SQUARE FEET.

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 February 10, 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 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.

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.

MOTION CARRIED APPROVED
Connie Breen Mayor

Laura Baumgartner
Laura Baumgartner, City Clerk