



Roll Call Number

25-0140

Agenda Item Number

47

Date January 27, 2025

**HOLD 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; and

**WHEREAS**, on January 13, 2025, by Roll Call No. 25-0031, 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 January 27, 2025, 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 City Property 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 the City Property, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the property locally known as 3770 and 3790 Hubbell Avenue, Des Moines, Iowa, as legally described, to the grantee, and for the

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consideration identified below, subject to a reservation of easements therein, and further subject to the reservation of a no-build easement, and said conveyance is hereby approved:

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 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 5<sup>TH</sup> 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:

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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-.

3. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.
5. Upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim Deed, 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.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, 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.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantee.
8. 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.



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Moved by Westergaard 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 City Clerk