



Roll Call Number

25-0601

Agenda Item Number

46

Date April 21, 2025

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF EXCESS
CEMETERY PROPERTY ADJOINING 1636 AND 1700 48TH STREET AND
CONVEYANCE TO SUSAN D. ANDREWS FOR \$21,850.00**

WHEREAS, the City of Des Moines, Iowa (“City”) owns numerous municipal cemeteries which are operated by the Park and Recreation Department; and

WHEREAS, on March 10, 2023, the Des Moines Masonic Cemetery Association Board of Directors passed a resolution to transfer ownership and control of the Des Moines Masonic Cemetery, located at 1550 48th Street, Des Moines, Iowa and all remaining funds in the Des Moines Masonic Cemetery operating account, after all payment of all outstanding costs and expenses, and all operations and business records and intangibles, to the City; and

WHEREAS, on July 17, 2023, by Roll Call No. 23-0982, the City Council approved an asset purchase agreement and offer to purchase for the transfer of ownership and control of the Des Moines Masonic Cemetery from the Des Moines Masonic Cemetery Association to the City of Des Moines, Iowa, pursuant to Deed filed and recorded in the Polk County Recorder’s office on January 31, 2024, in Book 19708, Page 520, and further dedicated said property as cemetery land; and

WHEREAS, Susan D. Andrews, owner of 1628 48th Street, Des Moines, Iowa, has offered to the City the purchase price of \$21,850.00 for the purchase of excess cemetery parkland lying west of and adjoining 1636 and 1700 48th Street, Des Moines, Iowa (hereinafter “Property”), for assemblage with 1628 48th Street, 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 the reservation of a no-build easement, which 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 April 7, 2025, by Roll Call No. 25-0500, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the cemetery parkland be set down for hearing on April 21, 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 vacate and convey the excess 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 vacation and 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.



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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 vacation and conveyance of cemetery parkland, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the cemetery parkland proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the property as parkland, legally described as follows, and said vacation is hereby approved:

-EXCEPT THE EAST 150 FEET-, LOT 4, POWELL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 10,500 SQUARE FEET.

AND

THE WEST 150 FEET OF THE SOUTH 45 FEET OF LOT 3, POWELL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 6,750 SQUARE FEET.

3. The proposed sale of such vacated cemetery parkland, as legally described below and to the grantee and for the consideration identified below, subject to reservation of easements therein, and further subject to the reservation of a no-build easement, and said conveyance is hereby approved:

Grantee: Susan D. Andrews

Consideration: \$21,850.00

Legal Description:

-EXCEPT THE EAST 150 FEET-, LOT 4, POWELL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 10,500 SQUARE FEET.

AND

THE WEST 150 FEET OF THE SOUTH 45 FEET OF LOT 3, POWELL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 6,750 SQUARE FEET.



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4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. Sale proceeds are to be used to support cemetery infrastructure and improvements funds: PK138.



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Moved by Coleman to adopt. Second by Gatto.

APPROVED AS TO FORM:

/s/ Grant Hyland

Grant Hyland, 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