

**Roll Call Number**25-0604**Agenda Item Number**47

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Date April 21, 2025

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF STREET
RIGHT-OF-WAY ADJOINING 100 28TH STREET AND GEOPARCEL 7824-07-280-002 AND
CONVEYANCE TO CORNERSTONE DEVELOPERS, L.L.C. FOR \$1,000.00**

WHEREAS, Cornerstone Developers, L.L.C., an Iowa limited liability company, represented by Julie Klein, the owner of Geoparcel 7824-07-280-002, has requested that the City of Des Moines, Iowa (“City”) vacate the platted street right-of-way adjoining 100 28th Street and Geoparcel 7824-07-280-002, 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, Cornerstone Developers, L.L.C., has offered to the City of Des Moines (“City”) the purchase price of \$1,000.00 for the purchase of the vacated street right-of-way adjoining 100 28th Street and Geoparcel 7824-07-280-002, Des Moines, Iowa (hereinafter “Property”) for assemblage with their adjoining property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the 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 for the street right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said Property; and

WHEREAS, on April 7, 2025, by Roll Call No. 25-0501, it was duly resolved by City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of such right-of-way be set 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 public right-of-way 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.

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 public right-of-way, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the platted street right-of-way adjoining 100 28th



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Street and Geoparcels 7824-07-280-002, more specifically described as follows, and said vacation is hereby approved:

A PART OF THE STREET RIGHT OF WAY ADJOINING BLOCK 14, HAINES PARK, OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 IN SAID BLOCK 14; THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINES OF LOTS 1 THROUGH 15 IN SAID BLOCK 14 TO THE SOUTHEAST CORNER OF SAID LOT 15; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 15 TO THE NORTHEAST CORNER OF SAID LOT 15; THENCE NORTHEASTERLY ALONG THE NORTHEASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT 15 TO A LINE THAT IS 25 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 15; THENCE SOUTH ALONG THE LINE THAT IS 25 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 15 TO THE NORTHEASTERLY EXTENSION OF A LINE THAT IS 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHERLY LINES OF SAID LOTS 1 THROUGH 15; THENCE SOUTHWESTERLY ALONG THE NORTHEASTERLY EXTENSION OF A LINE THAT IS 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHERLY LINES OF SAID LOTS 1 THROUGH 15 AND ALONG SAID LINE THAT IS 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHERLY LINES OF SAID LOTS 1 THROUGH 15 TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 1; THENCE NORTH ALONG THE SOUTHERLY EXTENSION OF WEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 22,488 SQUARE FEET.

3. The sale and conveyance of such vacated right-of-way, as legally described below, to Cornerstone Developers, L.L.C. for \$1,000.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved, subject to the reservation of any necessary easements for all existing utilities:

A PART OF THE VACATED STREET RIGHT OF WAY ADJOINING BLOCK 14, HAINES PARK, OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 IN SAID BLOCK 14; THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINES OF LOTS 1



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THROUGH 15 IN SAID BLOCK 14 TO THE SOUTHEAST CORNER OF SAID LOT 15; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 15 TO THE NORTHEAST CORNER OF SAID LOT 15; THENCE NORTHEASTERLY ALONG THE NORTHEASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT 15 TO A LINE THAT IS 25 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 15; THENCE SOUTH ALONG THE LINE THAT IS 25 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 15 TO THE NORTHEASTERLY EXTENSION OF A LINE THAT IS 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHERLY LINES OF SAID LOTS 1 THROUGH 15; THENCE SOUTHWESTERLY ALONG THE NORTHEASTERLY EXTENSION OF A LINE THAT IS 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHERLY LINES OF SAID LOTS 1 THROUGH 15 AND ALONG SAID LINE THAT IS 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHERLY LINES OF SAID LOTS 1 THROUGH 15 TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 1; THENCE NORTH ALONG THE SOUTHERLY EXTENSION OF WEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 22,488 SQUARE FEET.

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. 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 a copy of the other documents to the grantee.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.



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Moved by Mandelbaum 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
Laura Baumgartner, City Clerk