



Roll Call Number

26-0553

Agenda Item Number

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Date May 4, 2026

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**SET HEARING FOR VACATION OF SEGMENTS OF UNIVERSITY AVENUE
RIGHT-OF-WAY AND CONVEYANCE OF EASEMENTS FOR BUS SHELTER
ENCROACHMENTS ON CITY-OWNED PROPERTY TO DES MOINES AREA
REGIONAL TRANSIT AUTHORITY FOR \$400**

WHEREAS, Des Moines Area Regional Transit Authority (hereinafter “DART”) wishes to acquire two permanent easements on portions of City right-of-way along University Avenue adjoining 700 University Avenue and north of 2650 University Avenue, as legally described below (“Easement Area”), for the purpose of constructing, operating and maintaining DART bus stop shelters; and

WHEREAS, DART and the City Real Estate Division have negotiated the terms of the permanent easements which include: (1) DART’s installation and use of the Bus Shelter shall comply with all City, State and Federal ordinances and regulations; (2) DART, or its contractors, shall obtain, comply with, and pay all related fees for all necessary permits, and provide required insurance and bond, related to excavation and obstruction of City right-of-way upon and above the Easement Area prior to accessing the Easement Area, and, except in the case of emergency, access to the Easement Area shall be limited to the times set forth in such permits; (3) the bus shelter shall be constructed and installed in accordance with plans and specifications approved by the City Engineer or designee, and DART shall certify to the City that the bus shelter has been constructed and located within the Easement Area as shown on the approved plans and specifications; (4) DART shall be solely responsible for all activities related to and costs of maintenance of the Easement Area and installation, operation, maintenance and repair of the bus shelter, including snow removal, in accordance with City ordinances, policies and regulations, and State law, which easements are subject to the reservation of utilities therein; and

WHEREAS, DART shall pay to the City \$200.00 per easement, a total of \$400.00 for costs incurred by the City in preparing necessary documentation for bus shelter locations to allow for vacation and conveyance of an easement within the right-of-way, including but not limited to preparation of an exhibit and corresponding legal description, and no additional consideration is required in accordance with Iowa Code §364.7(3); and

WHEREAS, the vacation of said portions of City right-of-way located along University Avenue, as legally described below, and conveyance of said Easements for Bus Shelter Encroachment on City-Owned Property will not inconvenience the City or public.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating portions of City right-of-way located at various points along University Avenue, more specifically described as follows, subject to the reservation for utilities therein:

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7TH STREET AND UNIVERSITY AVENUE

A PORTION OF UNIVERSITY AVENUE RIGHT-OF-WAY IN NORTH PARK, AN OFFICIAL PLAT, AS RECORDED IN BOOK C, PAGE 150 OF THE POLK COUNTY RECORDER, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 91 OF SAID NORTH PARK; THENCE N89°53'54"W ALONG THE NORTH LINE OF SAID LOT 91, A DISTANCE OF 59.91 FEET; THENCE N00°06'26"E, A DISTANCE OF 4.69 FEET TO THE POINT OF BEGINNING; THENCE N89°53'34"W, A DISTANCE OF 30.00 FEET; THENCE N00°06'26"E, A DISTANCE OF 14.00 FEET; THENCE S89°53'34"E, A DISTANCE OF 30.00 FEET; THENCE S00°06'26"W, A DISTANCE OF 14.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 420 SQUARE FEET.

AND

27TH STREET AND UNIVERSITY AVENUE

A PORTION OF UNIVERSITY AVENUE RIGHT-OF-WAY IN DRAKE UNIVERSITY'S ADDITION TO CITY OF DES MOINES, AN OFFICIAL PLAT, AS RECORDED IN BOOK D, PAGE 27 OF THE POLK COUNTY RECORDER, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH 7.00 FEET OF LOT 36 OF SAID DRAKE UNIVERSITY'S ADDITION TO CITY OF DES MOINES; THENCE N89°14'51"E ALONG THE SOUTH LINE OF SAID NORTH 7.00 FEET, A DISTANCE OF 8.36 FEET; THENCE N00°45'09"W, A DISTANCE OF 21.91 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°45'09"W, A DISTANCE OF 8.00 FEET; THENCE N89°14'51"E, A DISTANCE OF 27.00 FEET; THENCE S00°45'09"E, A DISTANCE OF 8.00 FEET; THENCE S89°14'51"W, A DISTANCE OF 27.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 216 SQUARE FEET.

2. That if the City Council decides to vacate the above described portions of City right-of-way, the City of Des Moines further proposes to convey Easements for Bus Shelter Encroachment on City-Owned Property in such vacated City right-of-way, as described below, to Des Moines Area Regional Transit Authority for \$400.00, subject to any and all easements, restrictions and covenants of record:

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3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such right-of-way is to be considered shall be on May 18, 2026, said meeting to be held at 5:00 p.m., in the City Council Chamber, T.M. Franklin Cownie City Administration Building, 1200 Locust Street, 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.

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

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

Moved by Gatto to adopt.

Seconded by Voss.

APPROVED AS TO FORM:

/s/ Glenna K. Frank
Deputy City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, BARRON, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL.

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