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**HOLD 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 (2) 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; and

WHEREAS, on May 4, 2026, by Roll Call No. 26-0553, it was duly resolved by the City Council of the City of Des Moines, Iowa that the proposed vacation and conveyance of such permanent easement interests be set for hearing on May 18, 2026, at 5:00 p.m., in the City Council Chamber, T.M. Franklin Cownie City Administration Building, 1200 Locust Street, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate portions of City right-of-way located along University Avenue and convey said proposed easements therein was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

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WHEREAS, in accordance with City Council direction, those interested in said 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 said proposed vacation and conveyance of the Easements for Bus Shelter Encroachment on City-owned Property in such vacated right-of-way, as described below, are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the vacation of portions of City right-of-way located along University Avenue, subject to the reservation of easement therein, legally described as follows, and said vacation is hereby approved:

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

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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.

3. That the conveyance of an Easement for Bus Shelter Encroachment on City-owned Property in such vacated right-of-way as described below, to Des Moines Area Regional Transit Authority for a fee of \$400.00, together with payment by said grantee of the estimated publication and recording costs for this transaction, be and is hereby approved, subject to the reservation of easements therein, and further subject to the negotiated terms of the permanent easements as set forth herein above:

7TH STREET AND UNIVERSITY AVENUE

A PORTION OF VACATED 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:

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27TH STREET AND UNIVERSITY AVENUE

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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

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S89°14'51"W, A DISTANCE OF 27.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 216 SQUARE FEET.

4. The Mayor is authorized and directed to sign the Easements for Bus Shelter Encroachment on City-owned Property for the conveyance 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 \$300.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original Easements, 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 Easements, together with a certified copy of this resolution and of the affidavit of publication of 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 Easements and copies of the other documents to the grantee.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Gatto to adopt Second by Simonson and waive the fee.

APPROVED AS TO FORM:

/s/ Glenna K. Frank
Glenna K. Frank, Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
BARRON	✓			
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