



Roll Call Number

26-0772

Agenda Item Number

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Date June 29, 2026

HOLD HEARING FOR VACATION OF STREET RIGHT-OF-WAY ADJACENT TO THE REALIGNED 41ST STREET AND BEAVER AVENUE INTERSECTION AND CONVEYANCE TO ADJOINING PROPERTY OWNERS FOR \$550

WHEREAS, the City of Des Moines, Iowa (“City”) acquired property for the 41st Street and Beaver Avenue Intersection Improvements project, and after completion of the project, it was determined that a portion of the right-of-way adjoining 1804 41st Street and 1810 Beaver Avenue, Des Moines, Iowa (together hereinafter “Property”), more particularly described below, was not needed for right-of-way purposes; and

WHEREAS, Charles Edward Truslow, Trustee of the Charles Edward Truslow Revocable Trust dated April 6, 2020, owner of 1804 41st Street, has offered to the City the purchase price of \$50.00 for the vacation and purchase of the portion of right-of-way adjoining his property at 1804 41st Street for assemblage with his adjoining residential property, 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 price reflects the restricted fair market value of the City Property as determined by the City’s Real Estate Division; and

WHEREAS, Jim Hunter, owner of Hunter Real Estate LLC, has offered to the City of Des Moines (“City”) the purchase price of \$500.00 for the vacation and purchase of the portion of right-of-way adjoining his property at 1810 Beaver Avenue for assemblage with his adjoining commercial property, 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 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 Property proposed to be vacated and sold, and the City will not be inconvenienced by the sale of said Property; and

WHEREAS, on June 8, 2026, by Roll Call No. 26-0667, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the street right-of-way be set for hearing on June 29, 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 and convey the street 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.



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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 street right-of-way, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the street right-of-way located east of and adjoining 1804 41st Street and 1810 Beaver Avenue, Des Moines, Iowa, legally described as follows, and said vacation is hereby approved:

A PART OF 41ST STREET AND A PART OF LOT 1, VOTRUBA PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 5, HAZELWOOD, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 0°(DEGREES) 32'(MINUTES) 56"(SECONDS) WEST ALONG THE EAST LINE OF SAID LOT, 50.00 FEET; THENCE NORTH 89°39'30" EAST ALONG A LINE BEING 50.00 FEET NORTH OF AND PARALLEL TO THE EXTENDED SOUTH LINE OF SAID LOT 5, A DISTANCE OF 27.05 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 30.00 FEET, WHOSE ARC LENGTH IS 24.07 FEET AND WHOSE CHORD BEARS NORTH 66°40'13" EAST, 23.43 FEET; THENCE NORTH 43°40'56" EAST, 5.63 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 181.00 FEET, WHOSE ARC LENGTH IS 9.31 FEET AND WHOSE CHORD BEARS SOUTH 47°47'26" EAST, 9.30 FEET TO A POINT BEING 1.00 FEET SOUTHWESTERLY OF AND PERPENDICULAR TO THE EXTENDED NORTHEASTERLY LINE OF SAID LOT 1; THENCE SOUTH 49°01'27" EAST ALONG A LINE BEING 1.00 FEET SOUTHWESTERLY OF AND PARALLEL TO SAID NORTHEASTERLY LINE, 46.83 FEET; THENCE SOUTH 40°58'33" WEST, 52.93 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 230.00 FEET, WHOSE ARC LENGTH IS 10.33 FEET AND WHOSE CHORD BEARS SOUTH 39°41'23" WEST, 10.33 FEET; THENCE NORTH 51°35'47" WEST, 22.32 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 35.00 FEET, WHOSE ARC LENGTH IS 23.67 FEET AND WHOSE CHORD BEARS NORTH 70°58'09" WEST, 23.22 FEET TO A POINT ON THE PROJECTED SOUTH LINE OF SAID LOT 5; THENCE SOUTH 89°39'30" WEST, 13.49 FEET TO THE POINT OF BEGINNING AND CONTAINING 4809 SQUARE FEET.



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AND

A PART OF 41ST STREET AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF LOT 5, HAZELWOOD, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, WHICH IS 50.00 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE NORTH 0°(DEGREES) 32'(MINUTES) 56"(SECONDS) WEST ALONG THE EAST LINE OF LOTS 3 THRU 5 OF SAID HAZELWOOD, 114.86 FEET TO A POINT BEING 7.48 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 181.00 FEET, WHOSE ARC LENGTH IS 116.63 FEET AND WHOSE CHORD BEARS SOUTH 27°51'31" EAST, 114.62 FEET; THENCE SOUTH 43°40'56" WEST, 5.63 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 30.00 FEET, WHOSE ARC LENGTH IS 24.07 FEET AND WHOSE CHORD BEARS SOUTH 66°40'13" WEST, 23.43 FEET; THENCE SOUTH 89°39'30" WEST, 27.05 FEET TO THE POINT OF BEGINNING AND CONTAINING 2547 SQUARE FEET.

3. The proposed sale of such vacated street right-of-way, as legally described below and to the grantees 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: Charles Edward Truslow Revocable Trust dated April 6, 2020
Consideration: \$50.00

Legal Description:

A PART OF VACATED 41ST STREET AND A PART OF LOT 1, VOTRUBA PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 5, HAZELWOOD, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 0°(DEGREES) 32'(MINUTES) 56"(SECONDS) WEST ALONG THE EAST LINE OF SAID LOT, 50.00 FEET; THENCE NORTH 89°39'30" EAST ALONG A LINE BEING 50.00 FEET NORTH OF AND PARALLEL TO THE EXTENDED SOUTH LINE OF SAID LOT 5, A DISTANCE OF 27.05 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 30.00 FEET, WHOSE ARC LENGTH IS 24.07 FEET AND WHOSE CHORD BEARS NORTH 66°40'13" EAST,



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23.43 FEET; THENCE NORTH 43°40'56" EAST, 5.63 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 181.00 FEET, WHOSE ARC LENGTH IS 9.31 FEET AND WHOSE CHORD BEARS SOUTH 47°47'26" EAST, 9.30 FEET TO A POINT BEING 1.00 FEET SOUTHWESTERLY OF AND PERPENDICULAR TO THE EXTENDED NORTHEASTERLY LINE OF SAID LOT 1; THENCE SOUTH 49°01'27" EAST ALONG A LINE BEING 1.00 FEET SOUTHWESTERLY OF AND PARALLEL TO SAID NORTHEASTERLY LINE, 46.83 FEET; THENCE SOUTH 40°58'33" WEST, 52.93 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 230.00 FEET, WHOSE ARC LENGTH IS 10.33 FEET AND WHOSE CHORD BEARS SOUTH 39°41'23" WEST, 10.33 FEET; THENCE NORTH 51°35'47" WEST, 22.32 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 35.00 FEET, WHOSE ARC LENGTH IS 23.67 FEET AND WHOSE CHORD BEARS NORTH 70°58'09" WEST, 23.22 FEET TO A POINT ON THE PROJECTED SOUTH LINE OF SAID LOT 5; THENCE SOUTH 89°39'30" WEST, 13.49 FEET TO THE POINT OF BEGINNING AND CONTAINING 4809 SQUARE FEET.

Grantee: Hunter Real Estate LLC
 Consideration: \$500.00

Legal Description:

A PART OF VACATED 41ST STREET AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF LOT 5, HAZELWOOD, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, WHICH IS 50.00 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE NORTH 0°(DEGREES) 32'(MINUTES) 56"(SECONDS) WEST ALONG THE EAST LINE OF LOTS 3 THRU 5 OF SAID HAZELWOOD, 114.86 FEET TO A POINT BEING 7.48 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 181.00 FEET, WHOSE ARC LENGTH IS 116.63 FEET AND WHOSE CHORD BEARS SOUTH 27°51'31" EAST, 114.62 FEET; THENCE SOUTH 43°40'56" WEST, 5.63 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 30.00 FEET, WHOSE ARC LENGTH IS 24.07 FEET AND WHOSE CHORD BEARS SOUTH 66°40'13" WEST, 23.43 FEET; THENCE SOUTH 89°39'30" WEST, 27.05 FEET TO THE POINT OF BEGINNING AND CONTAINING 2547 SQUARE FEET.



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- 4. The Mayor is authorized and directed to sign the Offers to Purchase and Quit Claim Deeds 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 Deeds, 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 Deeds, 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 Deeds and a copy of the other documents to the grantees.
- 8. Non-project related land sale proceeds are used to support general operating budget expenses: Org - EG064090.

Moved by Barron to adopt. Second by Voss.

APPROVED AS TO FORM:

/s/ Grant Hyland
Grant Hyland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
BARRON	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			
<u>Connie Barron</u> 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