

25-0499

21

Date April 7, 2025

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF SURFACE RIGHTS WITHIN A PORTION OF COLLEGE AVENUE RIGHT-OF-WAY ADJOINING 1601 6<sup>TH</sup> AVENUE AND CONVEYANCE OF A PERMANENT EASEMENT FOR SURFACE BUILDING ENCROACHMENT ON CITY-OWNED PROPERTY TO INDIGO DAWN, L.L.C. FOR \$300.00**

**WHEREAS**, Indigo Dawn, L.L.C., the owner of 1601 6<sup>th</sup> Avenue, has requested that the City of Des Moines, Iowa (“City”) vacate surface rights within a portion of College Avenue right-of-way adjoining 1601 6<sup>th</sup> Avenue, 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**, Indigo Dawn, L.L.C. has offered to the City the purchase price of \$300.00 for the purchase of a Permanent Easement for Surface Building Encroachment on City-Owned Property (“Easement”) over, through and across a portion of College Avenue right-of-way adjoining 1601 6<sup>th</sup> Avenue (hereinafter “Easement Area”) for the purpose of operating, maintaining and updating the facade of the building at 1601 6<sup>th</sup> Avenue, which price reflects the fair market value of the Easement as determined by the City’s Real Estate Division; and

**WHEREAS**, there is no known current or future public need for the College Avenue right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation of said property and the conveyance of the Easement in such vacated right-of-way.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating surface rights in portions of College Avenue right-of-way adjoining 1601 6<sup>th</sup> Avenue, legally described as follows:

PART OF THE RIGHT-OF-WAY OF COLLEGE AVENUE BEING PART OF THE SOUTH 30 FEET OF LOT 12 IN BLOCK 3 OF THE OFFICIAL PLAT OF THE SW ¼ OF THE NE ¼ OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST, 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 45 FEET OF THE SOUTH 75 FEET OF THE WEST 84 FEET OF SAID LOT 12, BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF COLLEGE AVENUE AND THE EAST RIGHT-OF-WAY LINE OF 6<sup>TH</sup> AVENUE; THENCE SOUTH 89°46’59” EAST, 0.76 FEET ALONG THE NORTH RIGHT-OF-WAY

LINE OF COLLEGE AVENUE TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°46'59" EAST, 60.84 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF COLLEGE AVENUE; THENCE SOUTH 00°13'01" WEST, 1.25 FEET; THENCE NORTH 89°46'59" WEST, 60.84 FEET; THENCE NORTH 00°13'01" EAST, 1.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 76 SQUARE FEET.

- 2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Surface Building Encroachment on City-Owned Property in such vacated right-of-way, as legally described below, to Indigo Dawn, L.L.C. for \$300.00, subject to any and all easements, restrictions and covenants of record:

PART OF THE VACATED RIGHT-OF-WAY OF COLLEGE AVENUE BEING PART OF THE SOUTH 30 FEET OF LOT 12 IN BLOCK 3 OF THE OFFICIAL PLAT OF THE SW ¼ OF THE NE ¼ OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST, 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 45 FEET OF THE SOUTH 75 FEET OF THE WEST 84 FEET OF SAID LOT 12, BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF COLLEGE AVENUE AND THE EAST RIGHT-OF-WAY LINE OF 6<sup>TH</sup> AVENUE; THENCE SOUTH 89°46'59" EAST, 0.76 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF COLLEGE AVENUE TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°46'59" EAST, 60.84 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF COLLEGE AVENUE; THENCE SOUTH 00°13'01" WEST, 1.25 FEET; THENCE NORTH 89°46'59" WEST, 60.84 FEET; THENCE NORTH 00°13'01" EAST, 1.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 76 SQUARE FEET.

- 3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on April 21, 2025, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, 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.

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

**Date** April 7, 2025

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

Moved by Gatto 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	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED APPROVED  
Connie Rosen 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