

★ **Roll Call Number**

250500

Agenda Item Number

22

Date April 7, 2025

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF EXCESS
CEMETERY PROPERTY ADJOINING 1636 AND 1700 48TH STREET AND
CONVEYANCE TO SUSAN D. ANDREWS FOR \$21,850.00**

WHEREAS, the City of Des Moines, Iowa (“City”) owns numerous municipal cemeteries which are operated by the Park and Recreation Department; and

WHEREAS, on March 10, 2023, the Des Moines Masonic Cemetery Association Board of Directors passed a resolution to transfer ownership and control of the Des Moines Masonic Cemetery, located at 1550 48th Street, Des Moines, Iowa and all remaining funds in the Des Moines Masonic Cemetery operating account, after all payment of all outstanding costs and expenses, and all operations and business records and intangibles, to the City: and

WHEREAS, on July 17, 2023, by Roll Call No. 23-0982, the City Council approved an asset purchase agreement and offer to purchase for the transfer of ownership and control of the Des Moines Masonic Cemetery from the Des Moines Masonic Cemetery Association to the City of Des Moines, Iowa, pursuant to Deed filed and recorded in the Polk County Recorder’s office on January 31, 2024, in Book 19708, Page 520, and further dedicated said property as cemetery land; and

WHEREAS, Susan D. Andrews, owner of 1628 48th Street, Des Moines, Iowa, has offered to the City the purchase price of \$21,850.00 for the purchase of excess cemetery parkland lying west of and adjoining 1636 and 1700 48th Street, Des Moines, Iowa (hereinafter “Property”), for assemblage with 1628 48th Street, 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 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, there is no known current or future public need or benefit for the City Property proposed to be sold, and the City will not be inconvenienced by the sale of said Property.

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

1. The City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating cemetery as parkland located west of and adjoining 1636 and 1700 48th Street, Des Moines, Iowa, legally described as follows:

-EXCEPT THE EAST 150 FEET-, LOT 4, POWELL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 10,500 SQUARE FEET.

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AND

THE WEST 150 FEET OF THE SOUTH 45 FEET OF LOT 3, POWELL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 6,750 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated cemetery parkland adjoining 1636 and 1700 48th Street, as legally described to the grantee and for the consideration identified below, subject to reservation of easements therein, and further subject to reservation of a no-build easement:

Grantee: Susan Andrews
Consideration: \$21,850.00
Legal Description:

~~-EXCEPT THE EAST 150 FEET-~~, LOT 4, POWELL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 10,500 SQUARE FEET.

AND

THE WEST 150 FEET OF THE SOUTH 45 FEET OF LOT 3, POWELL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 6,750 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such excess cemetery parkland is to be considered shall be held on April 21, 2025, 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.
3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. Sale proceeds are to be used to support cemetery infrastructure and improvements funds: PK138.



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Moved by Gatto to adopt. Second by Voss

APPROVED AS TO FORM:

/s/ Grant Hyland
Grant Hyland, Assistant City Attorney

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

MOTION CARRIED APPROVED
Connie Bussen 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