

★ Roll Call Number

25-0501

Agenda Item Number

23

Date April 7, 2025

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF STREET RIGHT-OF-WAY ADJOINING 100 28TH STREET AND GEOPARCEL 7824-07-280-002 AND CONVEYANCE TO CORNERSTONE DEVELOPERS, L.L.C. FOR \$1,000.00

WHEREAS, Cornerstone Developers, L.L.C., an Iowa limited liability company, represented by Julie Klein, the owner of Geoparcels 7824-07-280-002, has requested that the City of Des Moines, Iowa (“City”) vacate the platted street right-of-way adjoining 100 28th Street and Geoparcels 7824-07-280-002, 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, Cornerstone Developers, L.L.C., has offered to the City of Des Moines (“City”) the purchase price of \$1,000.00 for the purchase of the vacated street right-of-way adjoining 100 28th Street and Geoparcels 7824-07-280-002, Des Moines, Iowa (hereinafter “Property”) for assemblage with their adjoining property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the 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 for the street right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said Property.

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, Iowa, shall consider adoption of an ordinance permanently vacating the street right-of-way adjoining 100 28th Street and Geoparcels 7824-07-280-002, Des Moines, Iowa, legally described as follows, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated:

A PART OF THE STREET RIGHT OF WAY ADJOINING BLOCK 14, HAINES PARK, OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 IN SAID BLOCK 14; THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINES OF LOTS 1 THROUGH 15 IN SAID BLOCK 14 TO THE SOUTHEAST CORNER OF SAID LOT 15; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 15 TO THE NORTHEAST CORNER OF SAID LOT 15; THENCE NORTHEASTERLY ALONG THE NORTHEASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT 15 TO A LINE THAT IS 25 FEET EAST OF AND PARALLEL WITH THE

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EAST LINE OF SAID LOT 15; THENCE SOUTH ALONG THE LINE THAT IS 25 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 15 TO THE NORTHEASTERLY EXTENSION OF A LINE THAT IS 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHERLY LINES OF SAID LOTS 1 THROUGH 15; THENCE SOUTHWESTERLY ALONG THE NORTHEASTERLY EXTENSION OF A LINE THAT IS 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHERLY LINES OF SAID LOTS 1 THROUGH 15 AND ALONG SAID LINE THAT IS 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHERLY LINES OF SAID LOTS 1 THROUGH 15 TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 1; THENCE NORTH ALONG THE SOUTHERLY EXTENSION OF WEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 22,488 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to convey the vacated street right-of-way adjoining 100 28th Street and Geoparcels 7824-07-280-002, Des Moines, Iowa, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: Cornerstone Developers, L.L.C.

Consideration: \$1,000.00

Legal Description:

A PART OF THE VACATED STREET RIGHT OF WAY ADJOINING BLOCK 14, HAINES PARK, OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 IN SAID BLOCK 14; THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINES OF LOTS 1 THROUGH 15 IN SAID BLOCK 14 TO THE SOUTHEAST CORNER OF SAID LOT 15; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 15 TO THE NORTHEAST CORNER OF SAID LOT 15; THENCE NORTHEASTERLY ALONG THE NORTHEASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT 15 TO A LINE THAT IS 25 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 15; THENCE SOUTH ALONG THE LINE THAT IS 25 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 15 TO THE NORTHEASTERLY EXTENSION OF A LINE THAT IS 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHERLY LINES OF SAID LOTS 1 THROUGH 15; THENCE SOUTHWESTERLY ALONG THE NORTHEASTERLY EXTENSION OF A LINE THAT IS 25 FEET

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SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHERLY LINES OF SAID LOTS 1 THROUGH 15 AND ALONG SAID LINE THAT IS 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHERLY LINES OF SAID LOTS 1 THROUGH 15 TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 1; THENCE NORTH ALONG THE SOUTHERLY EXTENSION OF WEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 22,488 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. 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.
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

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 Bauer 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