

25-0654

25

Date May 5, 2025

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF SURFACE RIGHTS WITHIN A PORTION OF EUCLID AVENUE RIGHT-OF-WAY ADJOINING 515 EUCLID AVENUE AND CONVEYANCE OF A PERMANENT EASEMENT FOR SURFACE BUILDING ENCROACHMENT ON CITY-OWNED PROPERTY TO 515 EUCLID, LLC FOR \$50.00

WHEREAS, 515 Euclid, LLC, the owner of 515 Euclid Avenue, Des Moines, Iowa has requested that the City of Des Moines, Iowa (“City”) vacate surface rights within a portion of Euclid Avenue right-of-way adjoining 515 Euclid 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, 515 Euclid, LLC has offered to the City the purchase price of \$50.00 for the purchase of a Permanent Easement for Surface Building Encroachment on City-Owned Property (“Easement”) over, through and across a portion of Euclid Avenue right-of-way adjoining 515 Euclid Avenue (hereinafter “Easement Area”) for the purpose of operating, maintaining and repairing a building door stoop at 515 Euclid 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 Euclid 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 a portion of Euclid Avenue right-of-way adjoining 515 Euclid Avenue, Des Moines, Iowa, legally described as follows:

PART OF THE RIGHT-OF-WAY OF EUCLID AVENUE, PLAT OF HIGHLAND PARK, CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 12, BLOCK 22, SAID PLAT OF HIGHLAND PARK; THENCE N89°30'40"E ON THE SOUTH LINE OF SAID LOT 12 A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF AN EXISTING STOOP, SAID POINT BEING THE POINT OF BEGINNING; (THE FOLLOWING FOUR COURSES ARE COMMON TO THE EDGE OF SAID STOOP) THENCE CONTINUING N89°30'40"E ON SAID SOUTH LINE A DISTANCE OF 4.00 FEET; THENCE S00°29'20"E A DISTANCE OF 1.50 FEET;

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THENCE S89°30'40"W A DISTANCE OF 4.00 FEET; THENCE N00°29'20"W A DISTANCE OF 1.50 FEET TO THE POINT OF BEGINNING, CONTAINING 6 SQUARE FEET AND BEING SUBJECT TO ANY AND ALL EASEMENTS, BE THEY OF RECORD OR NOT.

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 515 Euclid, LLC for \$50.00, subject to any and all easements, restrictions and covenants of record:

PART OF THE VACATED RIGHT-OF-WAY OF EUCLID AVENUE, PLAT OF HIGHLAND PARK, CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 12, BLOCK 22, SAID PLAT OF HIGHLAND PARK; THENCE N89°30'40"E ON THE SOUTH LINE OF SAID LOT 12 A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF AN EXISTING STOOP, SAID POINT BEING THE POINT OF BEGINNING; (THE FOLLOWING FOUR COURSES ARE COMMON TO THE EDGE OF SAID STOOP) THENCE CONTINUING N89°30'40"E ON SAID SOUTH LINE A DISTANCE OF 4.00 FEET; THENCE S00°29'20"E A DISTANCE OF 1.50 FEET; THENCE S89°30'40"W A DISTANCE OF 4.00 FEET; THENCE N00°29'20"W A DISTANCE OF 1.50 FEET TO THE POINT OF BEGINNING, CONTAINING 6 SQUARE FEET AND BEING SUBSERVIENT TO ANY AND ALL PRIOR EASEMENTS, BE THEY OF RECORD OR NOT.

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 May 19, 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.
5. Non-project related land sale proceeds are used to support general operating budget expenses:
Org – EG064090.

★ Roll Call Number
25-0654

Agenda Item Number
25

Date May 5, 2025

Moved by Gatto to adopt. Second by Voss

APPROVED AS TO FORM:

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 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