



Roll Call Number

25-0777

Agenda Item Number

49

Date May 19, 2025

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**HOLD 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, Des Moines, Iowa (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; and

**WHEREAS**, on May 5, 2025, by Roll Call No. 0654, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of the street right-of-way and the conveyance of a Permanent Easement for Surface Building Encroachment on City-Owned Property be set for hearing on May 19, 2025, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal to vacate the Euclid Avenue right-of-way and convey the Easement 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.

**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 of surface rights in a portion of Euclid Avenue right-of-way adjoining 515 Euclid Avenue, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.



2. There is no public need or benefit for the right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of surface rights within a portion of Euclid Avenue right-of-way adjoining 515 Euclid Avenue, Des Moines, Iowa, legally described as follows, and said vacation is hereby approved:

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; 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.

3. The proposed conveyance of the Permanent Easement for Surface Building Encroachment on City-Owned Property in such vacated street 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, is hereby approved:

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.

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4. The Mayor is authorized and directed to sign the Offer to Purchase and Permanent Easement for Surface Building Encroachment on City-Owned Property, as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.

6. 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 Permanent Easement for Surface Building Encroachment on City-Owned Property, 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.

7. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Easement for Surface Building Encroachment on City-Owned Property, 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.

8. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Permanent Easement for Surface Building Encroachment on City-Owned Property and a copy of the other documents to the grantee.

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

Moved by Westergaard to adopt. Second by Gatto.

APPROVED AS TO FORM:

Grant Hyland, Assistant City Attorney

**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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Connie Boesen

Mayor