

Date April 20, 2026

HOLD HEARING FOR VACATION OF A PORTION OF EAST MARTIN LUTHER KING, JR. PARKWAY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING 500 SE 7TH STREET, 506 SE 7TH STREET AND 509 SE 6TH STREET AND CONVEYANCE TO MARKET DISTRICT APARTMENTS, LP FOR \$4,500

WHEREAS, 509 SE 6th, LLC, the owner of 500 SE 7th Street, 506 SE 7th Street and 509 SE 6th Street, Des Moines, Iowa, has requested that the City of Des Moines, Iowa (“City”) vacate a portion of East Martin Luther King, Jr, Parkway right-of-way lying north of and adjoining 500 SE 7th Street, 506 SE 7th Street and 509 SE 6th Street (hereinafter “Property”), 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, Market District Apartments, LP has offered to the City the purchase price of \$4,500.00 for the purchase of said Property for assemblage with their adjoining properties for construction of a housing project, 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 a restriction that limits what can be built on said Property, 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 the City will not be inconvenienced by the vacation and sale of said Property; and

WHEREAS, on April 6, 2026, by Roll Call No. 26-0431, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of such right-of-way be set for hearing on April 20, 2026, at 5:00 p.m., in the City Council Chamber, T.M. Franklin Cownie City Administration Building, 1200 Locust Street, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate and convey public right-of-way 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 and conveyance of public right-of-way, as described herein, are hereby overruled and the hearing is closed.



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2. There is no public need or benefit for the public right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of a portion of East Martin Luther King, Jr. Parkway right-of-way located north of and adjoining 500 SE 7th Street, 506 SE 7th Street and 509 SE 6th Street, more specifically described as follows, and said vacation is hereby approved:

A PART OF EAST MARTIN LUTHER KING JR. PARKWAY ADJOINING BLOCK 47, TOWN OF DE MOINE, AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF SAID BLOCK 47; THENCE N14°50'24"W, 6.00 FEET; THENCE N74°59'54"E, 317.86 FEET; THENCE S14°50'37"E, 6.00 FEET; THENCE S74°59'34"W, 149.93 FEET; THENCE S74°59'34"W, 18.00 FEET; THENCE S74°59'34"W, 149.93 FEET, TO THE POINT OF BEGINNING.

DESCRIBED AREA CONTAINS 1,906 SQ. FT. AND IS SUBJECT TO EASEMENTS AND OTHER RESTRICTIONS OF RECORD.

3. The sale and conveyance of such vacated right-of-way, as legally described below, to Market District Apartments, LP for \$4,500.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved, subject to the reservation of any necessary easements for all existing utilities, and further subject to restriction limiting what can be built on said Property:

A PART OF VACATED EAST MARTIN LUTHER KING JR. PARKWAY ADJOINING BLOCK 47, TOWN OF DE MOINE, AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF SAID BLOCK 47; THENCE N14°50'24"W, 6.00 FEET; THENCE N74°59'54"E, 317.86 FEET; THENCE S14°50'37"E, 6.00 FEET; THENCE S74°59'34"W, 149.93 FEET; THENCE S74°59'34"W, 18.00 FEET; THENCE S74°59'34"W, 149.93 FEET, TO THE POINT OF BEGINNING.

DESCRIBED AREA CONTAINS 1,906 SQ. FT. AND IS SUBJECT TO EASEMENTS AND OTHER RESTRICTIONS OF RECORD.

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.



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- 5. 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 Quit Claim Deed, 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.
- 6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, 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.
- 7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and a copy of the other documents to the grantee.
- 8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Mandelbaum 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	✓			
BARRON	✓			
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