

★ Roll Call Number

26-0770

Agenda Item Number

52

Date June 29, 2026

**HOLD HEARING FOR CONVEYANCE OF THE VACATED EAST/WEST ALLEY
RIGHT-OF-WAY ADJOINING 1107 GUTHRIE AVENUE TO AARON N. PAYNE AND
AMANDA PAYNE IN EXCHANGE FOR A PERMANENT EASEMENT FOR
SANITARY SEWER RIGHT-OF-WAY**

WHEREAS, the City of Des Moines, Iowa (“City”) is the owner of the vacated east/west alley right-of-way located south of and adjoining 1107 Guthrie Avenue, Des Moines, Iowa (hereinafter “City Property”), more particularly described below; and

WHEREAS, the City needs a Permanent Easement for Sanitary Sewer Right-of-Way (“Easement”) across a portion of the adjoining property at 1107 Guthrie Avenue, Des Moines, Iowa, more particularly described below; and

WHEREAS, Aaron N. Payne and Amanda Payne (“Seller”) are the owners of 1107 Guthrie Avenue, Des Moines, Iowa, and have offered to convey the Easement to the City in exchange for the City Property, in order to assemble said City Property with their adjoining property, subject to the reservation of easements therein, which represents an equitable exchange of value as determined by the City’s Real Estate Division; and

WHEREAS, there is no known current or future public need for the Property proposed to be exchanged, and the City will not be inconvenienced by the conveyance of said Property; and

WHEREAS, on June 8, 2026 by Roll Call No. 26-0665, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on June 29, 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 convey the City Property 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 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 conveyance of the vacated east/west alley right-of-way located south of and adjoining 1107 Guthrie Avenue, Des Moines, Iowa, 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 excess City Property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the vacated east/west alley right-of-way located south of and adjoining 1107 Guthrie Avenue, Des Moines, Iowa, as legally described as below, subject to the reservation of easements therein:

THE NORTH HALF (N 1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING THE WEST HALF (W 1/2) OF LOT 38 AND LYING SOUTH OF AND ADJOINING LOT 39, ALL IN HAST'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The proposed exchange of the vacated alley right-of-way described above for a Permanent Easement for Sanitary Sewer Right-of-Way across a portion of 1107 Guthrie Avenue, as legally described below, is hereby approved:

-EXCEPT GARAGE-

THE WEST 10.0 FEET OF LOT 39, AND

THAT PART OF THE NORTH HALF (N 1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING THE WEST 10.0 FEET OF SAID LOT 39,

ALL IN HAST'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

4. Upon receipt of the executed Permanent Easement for Sanitary Sewer Right-of-way from Seller to the City, the Mayor is authorized and directed to sign the Land Exchange Agreement and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized to attest to the Mayor's signature and sign the Permanent Easement for Sanitary Sewer Right-of-Way.

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

6. The City Clerk is authorized and directed to forward the original of the Quit Claim Deed and Permanent Easement for Sanitary Sewer Right-of-Way, 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 Quit Claim Deed and Permanent Easement for Sanitary Sewer Right-of-Way, together with a certified copy of this



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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 Quit Claim Deed and copies of the other documents to the grantee.

9. There are no proceeds associated with this exchange.

Moved by Westergaard to adopt. Second by Simonson.

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, BARRON, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL (7 yeas).

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 City Clerk