

**Date** December 4, 2023

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF EAST 22<sup>ND</sup> STREET RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 2200 ELIZABETH AVENUE AND CONVEYANCE TO LARRY D. HENSON AND RITA HENSON FOR \$100.00**

**WHEREAS**, on November 6, 2023, by Roll Call No. 23-1535, the City Council of the City of Des Moines, Iowa voted to receive and file the communication from the Plan and Zoning Commission recommending the approval of a request from Larry D. Henson for vacation of approximately 1,250 square feet of the north/south segment of undeveloped East 22<sup>nd</sup> Street right-of-way located west of and adjoining 2200 Elizabeth Avenue, and bounded by Easton Boulevard to the north, and Elizabeth Avenue to the south, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense; and

**WHEREAS**, . Larry D. Henson and Rita Henson, the owners of 2200 Elizabeth Avenue, Des Moines, Iowa, has offered to the City of Des Moines (“City”) the purchase price of \$100.00 for the purchase of the portion of vacated E. 22nd Street right-of-way located west of and adjoining 2200 Elizabeth Avenue, (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 right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said street right-of-way.

**WHEREAS**, on November 20, 2023, by Roll Call No. 23-1610, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the street right-of-way be set for hearing on December 4, 2023, 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 and convey the street right-of-way was given 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 the street right-of-way, as described herein, are hereby overruled and the hearing is closed.

**Date**..... December 4, 2023.....

2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of approximately 1,250 square feet of the north/south segment of undeveloped East 22<sup>nd</sup> Street right-of-way located west of and adjoining 2200 Elizabeth Avenue, Des Moines, Iowa, legally described as follows, and said vacation is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated:

THE EAST 25 FEET OF EAST 22<sup>ND</sup> STREET RIGHT OF WAY LYING WEST OF AND ADJOINING THE SOUTH 50 FEET OF LOT 1, COLSON'S ADDITION TO EAST DES MOINES, IOWA, OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 0.29 ACRES (1,250 SQUARE FEET).

3. The proposed sale of such vacated street right-of-way, as legally described below and to the grantees and for the consideration identified below and said conveyance is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated:

Grantee: Larry D. Henson and Rita Henson

Consideration: \$100.00

Legal Description:

THE EAST 25 FEET OF VACATED EAST 22<sup>ND</sup> STREET RIGHT OF WAY LYING WEST OF AND ADJOINING THE SOUTH 50 FEET OF LOT 1, COLSON'S ADDITION TO EAST DES MOINES, IOWA, OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 0.29 ACRES (1,250 SQUARE FEET).

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.

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.

.....  
**Date** December 4, 2023

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 grantees.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by \_\_\_\_\_ to adopt. Second by \_\_\_\_\_

APPROVED AS TO FORM:

/s/ Chas M. Cahill  
Chas M. Cahill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ 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

