



Roll Call Number

20-0366

Agenda Item Number

48

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Date February 24, 2020

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF
FREMONT STREET RIGHT-OF-WAY BETWEEN EAST 14TH ST AND EAST 15TH
STREET, AND EAST 15TH STREET RIGHT-OF-WAY BETWEEN FREMONT
STREET AND EAST UNIVERSITY AVENUE AND CONVEYANCE TO DES
MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT**

WHEREAS, on August 5, 2019, by Roll Call No. 19-1204, the City Council of the City of Des Moines voted to receive and file a communication from the Plan and Zoning Commission regarding a request from Des Moines Independent Community School District to vacate Fremont Street right-of-way between East 14th Street and East 15th Street, and East 15th Street right-of-way between Fremont Street and East University Avenue (hereinafter "Property"), to allow for assemblage with the adjoining properties to the north and south of said right-of-way for expansion of existing sports fields, subject to the following:

- Reservation of easements for all public utilities in place until such time they are abandoned or relocated;
- Reservation of any necessary easements for access as required by adjoining property owners; and
- All parcels in the vicinity owned by the applicant must be combined and recorded with Polk County; and

WHEREAS, Des Moines Independent Community School District, owner of multiple properties located north of and south of and adjoining the Property, wishes to acquire the Property for no consideration in accordance with Iowa Code §364.7(3), to allow for assemblage with their adjoining properties for expansion of existing sports fields; and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be conveyed, subject to reservation of easements therein, and the City will not be inconvenienced by the vacation and conveyance of said Property; and

WHEREAS, on February 10, 2020, by Roll Call No. 20-0366, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the Property be set for hearing on February 24, 2024, 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 Fremont Street right-of-way between East 14th Street and East 15th Street, and East 15th Street right-of-way between Fremont Street and East University Avenue, Des Moines, Iowa, 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.



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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 Fremont Street right-of-way between East 14th Street and East 15th Street, and East 15th Street right-of-way between Fremont Street and East University Avenue, 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 said right-of-way, legally described as follows, and said vacation is hereby approved:

A PART OF FREMONT STREET RIGHT OF WAY AND A PART OF EAST 15TH STREET RIGHT OF WAY LYING WITHIN STEWART’S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, AND LYING WITHIN ASHBROOK, AN OFFICIAL PLAT, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTH 20 FEET OF LOT 289 IN SAID ASHBROOK, SAID SOUTHWEST CORNER BEING ON THE EAST RIGHT OF WAY LINE OF EAST 15TH STREET; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE TO THE NORTHEASTERLY EXTENSION OF THE SOUTHERLY RIGHT OF WAY LINE OF FREMONT STREET; THENCE SOUTHWESTERLY ALONG SAID NORTHEASTERLY EXTENSION AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF LOT 27, BLOCK 34, IN SAID STEWART’S ADDITION TO THE CITY OF DES MOINES; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO A POINT ON THE SOUTHERLY LINE OF LOT 1, BLOCK 33, IN SAID STEWART’S ADDITION TO THE CITY OF DES MOINES, SAID POINT BEING 37 FEET SOUTHWESTERLY FROM THE SOUTHEAST CORNER OF SAID LOT 1 ALONG THE SOUTHERLY LINE OF SAID LOT 1, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY LINE OF FREMONT STREET; THENCE NORTHEASTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF SAID EAST 15TH STREET; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE TO THE WEST EXTENSION OF THE SOUTH LINE OF THE NORTH 20 FEET OF SAID LOT 289; THENCE EAST ALONG SAID WEST EXTENSION TO THE POINT OF BEGINNING,

ALL NOW INCLUDED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1.50 ACRES (65,182 SQUARE FEET).

3. The proposed conveyance of such vacated right-of-way, as legally described below to Des Moines Independent Community School District for no consideration in accordance with Iowa Code §364.7(3), subject to the reservation of easements for utilities therein, and further subject to the reservation of a Permanent Easement for Vehicular Ingress and Egress across a portion of the Property, which will be included in the Quit Claim Deed from City to Buyer, in order to allow the owner(s) of 1111 East 14th Street and 1414 Fremont Street Des Moines, Iowa continued access to their property:



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A PART OF VACATED FREMONT STREET RIGHT OF WAY AND A PART OF VACATED EAST 15TH STREET RIGHT OF WAY LYING WITHIN STEWART'S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, AND LYING WITHIN ASHBROOK, AN OFFICIAL PLAT, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTH 20 FEET OF LOT 289 IN SAID ASHBROOK, SAID SOUTHWEST CORNER BEING ON THE EAST RIGHT OF WAY LINE OF VACATED EAST 15TH STREET; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE TO THE NORTHEASTERLY EXTENSION OF THE SOUTHERLY RIGHT OF WAY LINE OF VACATED FREMONT STREET; THENCE SOUTHWESTERLY ALONG SAID NORTHEASTERLY EXTENSION AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF LOT 27, BLOCK 34, IN SAID STEWART'S ADDITION TO THE CITY OF DES MOINES; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO A POINT ON THE SOUTHERLY LINE OF LOT 1, BLOCK 33, IN SAID STEWART'S ADDITION TO THE CITY OF DES MOINES, SAID POINT BEING 37 FEET SOUTHWESTERLY FROM THE SOUTHEAST CORNER OF SAID LOT 1 ALONG THE SOUTHERLY LINE OF SAID LOT 1, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY LINE OF VACATED FREMONT STREET; THENCE NORTHEASTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF SAID EAST 15TH STREET; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE TO THE WEST EXTENSION OF THE SOUTH LINE OF THE NORTH 20 FEET OF SAID LOT 289; THENCE EAST ALONG SAID WEST EXTENSION TO THE POINT OF BEGINNING,

ALL NOW INCLUDED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1.50 ACRES (65,182 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 \$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. There are no proceeds associated with this transaction.



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Moved by Boesen to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

BSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

CERTIFICATE

I, P. KAY CMELIK, 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.

P. Kay Cmelik

City Clerk