



Roll Call Number

20-1213

Agenda Item Number

19

Date August 3, 2020

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF EXCESS PARKLAND LOCATED EAST OF AND ADJOINING 101 LOCUST STREET AND CONVEYANCE TO THE UNITED STATES OF AMERICA, BY AND THROUGH THE GENERAL SERVICES ADMINISTRATION, IN CONSIDERATION OF CONVEYANCE OF A PERMANENT STORM SEWER EASEMENT WITHIN 101 LOCUST STREET

WHEREAS, the City of Des Moines, Iowa is owner of an approximately 25-foot-wide by 270-foot-long strip of dedicated parkland located between the Principal Riverwalk and 101 Locust Street, Des Moines, Iowa (hereinafter “City Property”); and

WHEREAS, the United States of America, acting by and through the General Services Administration (“GSA”) is the owner of the property locally known as 101 Locust Street (hereinafter “GSA Property”) upon which it plans to construct a new federal courthouse; and

WHEREAS, on August 19, 2019, by Roll Call No. 19-1327, the City Council of the City of Des Moines approved a Memorandum of Agreement with GSA, which memorandum committed GSA to convey a 30-foot-wide storm sewer easement within the GSA Property to the City at no cost, in consideration of the City vacating and conveying the City Property, subject to the following conditions:

1. The City Property shall be open for public use during the hours that the Principal Riverwalk is open to the public.
2. The design and development of the Property to be conveyed shall take into consideration the comments and concerns of the City Manager.
3. Reservation of an easement within the City Property for all existing utilities in place until such time that they are abandoned or relocated at no cost to the City.
4. Reservation of a Permanent Access Easement over the City Property for all activities related to the purpose of the City constructing, reconstructing, repairing, enlarging, and maintaining, including snow storage, the adjoining Principal Riverwalk improvements.
5. The final terms of the offer to purchase, quit claim deed, and easement shall be subject to the review and approval of both the GSA and City legal departments.
6. The conveyance of the City Property and the acceptance of the easement are subject to City Council approval as well as all statutory requirements for the City to vacate and convey real estate.

WHEREAS, the City has no known current or anticipated public need for the City Property proposed to be vacated and conveyed, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated and the requirement that said City Property shall be open for public use during the hours that the Principal Riverwalk is open to the public; and further subject to the reservation of a Permanent Access Easement, which will be included in the Quit Claim Deed from City to GSA, over the City Property for all activities related to the purpose of the City constructing, reconstructing, repairing, and maintaining the existing Riverwalk parkway adjoining the City Property, along with all the necessary appurtenances thereto, under over, through and across said City Property, and the City will not be inconvenienced by the vacation and sale of said City Property.



Roll Call Number

20-1213

Agenda Item Number

19

Date August 3, 2020

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating an approximately 25-foot-wide by 270-foot-long strip of dedicated parkland located between the Principal Riverwalk and 101 Locust Street, Des Moines, Iowa, legally described as follows:

PARCEL 2019-110 BEING A TRACT OF LAND LOCATED IN A PART OF LOT 2, COLISEUM PLACE, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

THE VACATED ALLEY ADJACENT TO LOT 1, LOT 2, AND LOT 3 OF COLISEUM PLACE, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE NORTHERLY 7.00 FEET THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE N15°30'37"W, ALONG THE EAST LINE OF SAID LOT 1 AND SAID LOT 3, ALSO BEING THE WEST LINE OF SAID VACATED ALLEY, 270.24 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE, AS PRESENTLY ESTABLISHED; THENCE N74°25'30"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 25.13 FEET; THENCE S15°38'49"E, 270.14 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF LOCUST STREET, ALSO BEING THE SOUTH LINE OF SAID LOT 2; THENCE S74°11'54"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 25.77 FEET, TO THE POINT OF BEGINNING.

DESCRIBED TRACT CONTAINS 0.16 ACRES (6,877 SQUARE FEET).

2. In consideration of United States of America granting a storm sewer easement to the City over the GSA Property, the City Council of the City of Des Moines, Iowa, proposes to sell the portion of vacated parkland, legally described below, to the United States of America, acting by and through the General Services Administration, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated and the requirement that said City Property shall be open for public use during the hours that the Principal Riverwalk is open to the public; and further subject to the reservation of a Permanent Access Easement, which will be included in the Quit Claim Deed from City to GSA, over the City Property for all activities related to the purpose of the City constructing, reconstructing, repairing, enlarging, and maintaining the existing Riverwalk parkway adjoining the City Property, along with all the necessary appurtenances thereto, under, over, through and across said City Property:

PARCEL 2019-110 BEING A TRACT OF LAND LOCATED IN A PART OF LOT 2, COLISEUM PLACE, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

Date August 3, 2020

AND

THE VACATED ALLEY ADJACENT TO LOT 1, LOT 2, AND LOT 3 OF COLISEUM PLACE, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE NORTHERLY 7.00 FEET THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE N15°30'37"W, ALONG THE EAST LINE OF SAID LOT 1 AND SAID LOT 3, ALSO BEING THE WEST LINE OF SAID VACATED ALLEY, 270.24 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE, AS PRESENTLY ESTABLISHED; THENCE N74°25'30"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 25.13 FEET; THENCE S15°38'49"E, 270.14 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF LOCUST STREET, ALSO BEING THE SOUTH LINE OF SAID LOT 2; THENCE S74°11'54"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 25.77 FEET, TO THE POINT OF BEGINNING.

DESCRIBED TRACT CONTAINS 0.16 ACRES (6,877 SQUARE FEET).

3. A public hearing shall be held on August 17, 2020, at 5:00 p.m. at the Board Room of the Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. Given Mayor Cownie's March 17, 2020 Proclamation, as amended prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor's June 25, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and the City Manager's decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic public access to the meeting location as set forth below. To participate in the electronic meeting, access is available telephonically (details below):
 - To join the Zoom Meeting via the internet, access:
 - https://zoom.us/webinar/register/WN_vweoClznQ_C67oZebXNZFg
 - You will be provided with a unique password upon registration by using the link above.
 - To join telephonically:
 - US: +1 877 853 5257 (Toll Free)
 - Webinar ID: 940 1403 8677

At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing. The City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. August 13, 2020 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

★ Roll Call Number

20-1213

Agenda Item Number

19

Date August 3, 2020

- 4. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/

Lisa A. Wieland, Assistant City Attorney

PSW

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

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

J. M. Franklin Cownie Mayor