



Roll Call Number

20-1658

Agenda Item Number

22

Date October 19, 2020

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF VACATED SOUTHEAST 24TH STREET RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 2400 EVERGREEN AVENUE TO DONALD DAVIDSON AND SANDRA DAVIDSON IN EXCHANGE AND AS CONSIDERATION FOR THE TEMPORARY EASEMENT FOR CONSTRUCTION AND CONSTRUCTION-RELATED ACTIVITIES CONVEYED BY DONALD DAVIDSON AND SANDRA DAVIDSON TO THE CITY OF DES MOINES

WHEREAS, on September 27, 2004, by Ordinance No. 14,376, the City Council of the City of Des Moines, Iowa vacated a portion of right-of-way in the vicinity of Evergreen Avenue, Southeast 24th Street and East Watrous Avenue located west of and adjoining 2400 Evergreen Avenue; and

WHEREAS, on February 20, 2020, the City of Des Moines Real Estate Division offered to purchase a Temporary Easement for Construction and Construction-Related Activities from Donald Davidson and Sandra Davidson over and across their property located at 2400 Evergreen Avenue for the Evergreen Avenue Reconstruction Project; and

WHEREAS, Donald and Sandra Davidson, owners of 2400 Evergreen Avenue, have offered to the City of Des Moines (“City”) to convey the Temporary Easement for Construction and Construction-Related Activities in exchange and as consideration for the conveyance of the portion of vacated Southeast 24th Street right-of-way lying west of and adjoining their property at 2400 Evergreen Avenue (hereinafter “Property”), for assemblage with their residential parcel, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which represents an equal exchange of value as determined by the City’s Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the City Property proposed to be sold, and the City will not be inconvenienced by the sale of said Property.

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

1. The City Council of the City of Des Moines, Iowa, proposes to sell the vacated Southeast 24th Street right-of-way lying west of and adjoining 2400 Evergreen Avenue, as legally described below, subject to a reservation of easements therein, to Donald Davidson and Sandra Davidson, in exchange and as consideration for granting a Temporary Easement for Construction and Construction-Related Activities to the City of Des Moines, Iowa:

A PART OF VACATED SE 24TH STREET RIGHT OF WAY, VACATED BY ORDINANCE 14376, SAID ORDINANCE RECORDED IN BOOK 10794 PAGES 437-442 AT THE RECORDER’S OFFICE OF POLK COUNTY, IOWA, ALL IN THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND DESCRIBED AS FOLLOWS:
COMMENCING AS A POINT OF REFERENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 24; THENCE NORTH 0° (DEGREES)



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37' (MINUTES) 22" (SECONDS) WEST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 24, 122.62 FEET TO THE POINT OF BEGINNING; THENCE NORTHWEST ALONG A 420 FOOT RADIUS CURVE CONCAVE NORTHEAST WITH A CHORD DISTANCE OF 40.47 FEET, A CHORD BEARING OF NORTH 48°27'14" WEST AND AN ARC LENGTH OF 40.49 FEET TO THE CENTERLINE OF THE 60.0 FOOT RIGHT-OF-WAY OF SOUTHEAST 24TH STREET; THENCE NORTH 0°37'22" WEST ALONG SAID CENTERLINE 184.41 FEET TO THE INTERSECTION OF THE CENTERLINE OF EVERGREEN AVENUE; THENCE NORTH 53°14'48" EAST, 37.14 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 24, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF SOUTHEAST 24TH STREET; THENCE SOUTH 0°37'22" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 233.48 FEET TO THE POINT OF BEGINNING. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING APPROXIMATELY 0.14 ACRES (6,257 SQUARE FEET), AND BEING THE SAME AREA PREVIOUSLY CONVEYED BY QUIT CLAIM DEED RECORDED IN BOOK 10757 PAGES 272-274 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA.

2. That the meeting of the City Council at which the conveyance of such vacated Southeast 24th Street right-of-way is to be considered shall be on November 9, 2020, said meeting to be held at 5:00 p.m., in the City Council Chamber, 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):

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://dmgov-org.zoom.us/j/94455567318?pwd=eS9USnErWTFpZkFLVERaRmlBYXB4Zz09>
Passcode: 277478

Or join by phone:

Dial (for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 720 928 9299 or 833 548 0276 (Toll Free) or 877 853 5257 (Toll Free)
Webinar ID: 944 5556 7318
International numbers available: <https://dmgov-org.zoom.us/j/kzfsprwY>

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



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arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. November 5, 2020 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

- 3. 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.
4. There are no proceeds associated with this transaction.

Moved by Boesen to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

PSW

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED
P. M. Franklin Cowne Mayor

P. Kay Cmelik City Clerk