



Roll Call Number

21-0020

Agenda Item Number

17

Date January 11, 2021

SET HEARING FOR APPROVAL OF DOCUMENTS FOR A LAND EXCHANGE AGREEMENT WITH GLORIA S. HOFFMAN FOR PROPERTY LOCATED AT AND ADJOINING 4200 LEONARD PLACE, AND FOR ACCEPTANCE OF A TEMPORARY EASEMENT FOR CONSTRUCTION AND CONSTRUCTION-RELATED ACTIVITIES

WHEREAS, the City of Des Moines, Iowa, ("City") is the owner of certain excess property located west of and adjoining 4200 Leonard Place, Des Moines, Iowa (hereinafter "City Parcel"), more particularly described below; and

WHEREAS, Gloria S. Hoffmann, ("Seller") is the owner of certain property located at the south and west side of 4200 Leonard Place, Des Moines, Iowa, (hereinafter "Seller Parcel"), which property is required by the City for the Maquoketa Drive Storm Sewer Box Replacement Project, more particularly described below; and

WHEREAS, Gloria S. Hoffmann, has offered to convey to the City of Des Moines, Iowa, the Seller Parcel and a Temporary Easement for Construction and Construction-Related Activities in property adjoining the Seller Parcel in exchange for the City Parcel described below, plus cash consideration in the amount of \$6,850.00, in order to assemble said City Parcel with her adjoining property for sideyard uses, subject to a reservation of easements therein; which represents an equitable exchange of fair market value as determined by the City's Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the City Parcel proposed to be exchanged and the City will not be inconvenienced by the conveyance of said City Parcel.

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

- 1. The City Council of the City of Des Moines, Iowa, proposes to exchange certain City of Des Moines real estate located west of and adjoining 4200 Leonard Place, Des Moines, Iowa (City Parcel), as legally described below, subject to a reservation of easements therein, plus cash consideration in the amount of \$6,850.00 for a parcel owned by Gloria S. Hoffmann, located at the south and west side of 4200 Leonard Place (Seller Parcel), also legally described below, and a Temporary Easement for Construction and Construction-Related Activities in property adjoining the Seller Parcel, which together represent an equitable exchange of fair market value:

City Parcel:

A PART OF LOT 13, SHAFER WOODS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTHEASTERLY ALONG THE NORTH LINE OF SAID LOT ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 45.00 FEET, WHOSE ARC LENGTH IS 19.78 FEET AND WHOSE CHORD BEARS SOUTH 77°12'12" EAST, 19.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 45.00 FEET, WHOSE ARC LENGTH IS



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26.47 FEET AND WHOSE CHORD BEARS NORTH 73°21'03" EAST, 26.09 FEET TO A POINT BEING 40.00 FEET SOUTHEASTERLY OF AND PERPENDICULAR TO THE EXTENDED WESTERLY LINE OF SAID LOT; THENCE SOUTH 21°14'39" WEST ALONG A LINE BEING 40.00 FEET SOUTHWESTERLY OF AND PARALLEL TO SAID WESTERLY LINE, 69.00 FEET; THENCE NORTH 0°00'00" WEST, 56.83 FEET TO THE POINT OF BEGINNING AND CONTAINING 677 SQUARE FEET.

Seller Parcel:

A PART OF LOTS 13 AND 14, SHAFER WOODS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 89°(DEGREES) 43'(MINUTES) 16"(SECONDS) WEST ALONG THE SOUTH LINE OF SAID LOTS, 113.93 FEET TO A POINT BEING 40.00 FEET SOUTHEASTERLY OF AND PERPENDICULAR TO THE WESTERLY LINE OF SAID LOT 13; THENCE NORTH 21°14'39" EAST ALONG A LINE BEING 40.00 FEET SOUTHEASTERLY OF AND PARALLEL TO SAID WESTERLY LINE, 63.52 FEET; THENCE SOUTH 0°00'00" EAST, 44.09 FEET TO A POINT BEING 15.00 FEET NORTH OF AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOTS; THENCE NORTH 89°43'16" EAST ALONG A LINE BEING 15.00 FEET NORTH OF AND PARALLEL TO SAID SOUTH LINES, 90.86 FEET TO A POINT ON THE EAST LINE OF SAID LOT 14; THENCE SOUTH 0°13'08" EAST ALONG SAID EAST LINE, 15.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.05 ACRES (2043 SQ. FT.)

2. That the meeting of the City Council at which the exchange of such City property is to be considered shall be on January 25, 2021, 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 October 16, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak, and further given Section 109 of the Governor’s October 16, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, and further given 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 and telephonic public access to the meeting location as set forth below. To participate in the electronic meeting, access is available electronically or 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/87489389070?pwd=amtkdVovNXVScWdkZXhRV2pFRjdZQT09>

Passcode: 170393

Or join by phone:

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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: 874 8938 9070

International numbers available: <https://dmgov-org.zoom.us/j/kml6HwLpS>

In addition, 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. January 21, 2021 (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. Acquisition costs for this transaction will be paid from the Maquoketa Drive Storm Sewer Box Replacement Project: Org – E304PW99, Project – SM068.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

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

PSW

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