



Roll Call Number

21-0265

Agenda Item Number

19 ✓

Date February 22, 2021

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SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A SEGMENT OF SOUTHWEST 1ST STREET RIGHT-OF-WAY BETWEEN COLUMBUS AVENUE AND INDIANOLA ROAD AND CONVEYANCE TO MUNDO PEQUENITO, LLC FOR \$4,320

WHEREAS, on November 23, 2020, by Roll Call No. 20-1863, the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a request from Mundo Pequenito, LLC to vacate the west six feet of Southwest 1st Street between Columbus Avenue and Indianola Road, subject to the reservation of easements for existing utilities in place until such time as they are abandoned or relocated at the expense of the City's successor in ownership of the vacated right-of-way; and

WHEREAS, Mundo Pequenito, LLC, the owner of 1922 Southwest 1st Street, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$4,320 for the purchase of the west six feet of Southwest 1st Street right-of-way adjoining its property, subject to the reservation of easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the fair market value of said portion of alley right-of-way as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the portion of street right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said property.

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 the six-foot wide strip of Southwest 1st Street right-of-way located east of and adjoining 1922 Southwest 1st Street, Des Moines, Iowa, legally described as follows, subject to the reservation of easements for all existing utilities in place until such time that they are abandoned or relocated:

THE WEST 6.0 FEET OF SOUTHWEST 1ST STREET LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF COLUMBUS AVENUE AND LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF INDIANOLA ROAD, ALL IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.03 ACRES (1,441 SQUARE FEET).

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated street right-of-way, as legally described below, to Mundo Pequenito, LLC for \$4,320, subject to reservation of easements therein:



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THE WEST 6.0 FEET OF VACATED SOUTHWEST 1ST STREET LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF COLUMBUS AVENUE AND LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF INDIANOLA ROAD, ALL IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.03 ACRES (1,441 SQUARE FEET).

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on March 8, 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 February 5, 2021 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak, and further given Section 108 of the Governor’s February 5, 2021 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 public access to the meeting location as set forth below. To participate in the electronic meeting, access is available electronically and 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/85881529685?pwd=ajZLTc81UFpwc29JK1NZTkdlSVRqUT09>
Passcode: 336793

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 877 853 5257 (Toll Free) or 833 548 0276 (Toll Free)
Webinar ID: 858 8152 9685
International numbers available: <https://dmgov-org.zoom.us/j/keppKi73OX>

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

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

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Moved by Gatto to adopt.

APPROVED AS TO FORM:

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

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

J. M. Frankin 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