

Date March 8, 2021

HOLD 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, 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 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; and

WHEREAS, on February 22, 2021, by Roll Call No. 21-0265, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the street right-of-way be set for hearing on March 8, 2021, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa, and given Mayor Cownie's March 15, 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 and telephonic public access to the meeting location; and

WHEREAS, due notice of said proposal to vacate and convey the street right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal, including how to participate electronically and telephonically; 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



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have presented their views to the City Council.

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 street right-of-way as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of 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, and said vacation is hereby approved:

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).

3. The proposed sale of such vacated street right-of-way, as legally described below, to Mundo Pequenito, LLC for \$4,320, subject to reservation of easements therein, and said conveyance is hereby approved:

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).

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 consideration, plus \$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



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

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

/s/ 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

4 APPROVED

J. M. Franckh 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