



Roll Call Number

Agenda Item Number

21-0692

25

Date May 10, 2021

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF VACATED STREET RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 1403 DEAN AVENUE TO SABRINA GNUWECH AND LUCAS GNEWUCH FOR \$50.00

WHEREAS, on June 4, 1990, by Roll Call No. 90-2400, the City Council of the City of Des Moines, Iowa voted to approve the vacation of Governor’s Square Drive right-of-way lying south of and adjoining Lots 22 through 30 Governor’s Square, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; and

WHEREAS, Sabrina Gnewuch and Lucas Gnewuch, owners of 1403 Dean Avenue, have offered to the City of Des Moines (“City”) the purchase price of \$50.00 for the purchase of the portion of the vacated street right-of-way located south of and adjoining their property at 1403 Dean Avenue (hereinafter “Property”), for assemblage with their residential property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated and further subject to the reservation of a Permanent Easement for Ingress and Egress over the Property, which easement shall be included in the deed from City to Buyer, which price reflects the fair market value of the City Property as determined by the City’s Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the 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 a portion of vacated street right-of-way located south of and adjoining 1403 Dean Avenue, as legally described, to the grantees, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: Sabrina Gnewuch and Lucas Gnewuch

Consideration: \$50.00

Legal Description: -EXCEPT THE SOUTH 10 FEET OF THE WEST 10 FEET CONVEYED BY THE CITY OF DES MOINES BY DEED RECORDED IN BOOK 6448 PAGE 201 AT THE RECORDER’S OFFICE OF POLK COUNTY, IOWA-, THAT PART OF VACATED GOVERNOR’S SQUARE DRIVE RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 30, GOVERNOR’S SQUARE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 0.03 ACRES (1,266 SQUARE FEET).

- 2. 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 May 24, 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 15, 2020 Proclamation,

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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/85120305288?pwd=ZDkyenYrWVB3eXpIVFRpVURTV1dGdz09>

Passcode: 214932

Or join by phone:

Dial:

US: +1 312 626 6799 or 833 548 0276 (Toll Free)

Webinar ID: 851 2030 5288

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. May 20, 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. 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

psw

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<i>J. M. Franklin Cownie</i>				
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