

★ Roll Call Number

21-0854

Agenda Item Number

23

Date June 14, 2021

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF
VACATED STREET RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 1445
DEAN AVENUE TO SAM KCAD REAL ESTATE 1, LLC 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, Sam KCAD Real Estate I, LLC, owner of 1445 Dean Avenue, has 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 1445 Dean Avenue (hereinafter "Property"), for assemblage with its 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 easements shall be included in the deed from City to Buyer, which price reflects the restricted 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 1445 Dean Avenue, as legally described, to the grantees, and for the consideration identified below, subject to a reservation of easements therein and further subject to the reservation of a Permanent Easement for Ingress and Egress over the Property:

Grantee: Sam KCAD Real Estate I, LLC

Consideration: \$50.00

Legal Description: ALL OF THE VACATED GOVERNOR'S SQUARE DRIVE RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 23, 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 (1360 SQUARE FEET).

2. A public hearing shall be held on June 28, 2021, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

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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. June 24, 2021 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the June 28, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

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.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/
 Lisa A. Wieland, Assistant City Attorney

RW

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

MOTION CARRIES APPROVED

J. M. Franklin Cownie

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