

CONTINUANCE OF HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF PORTIONS OF 12TH STREET AND KEOSAUQUA WAY RIGHT-OF-WAY ADJOINING 1201 KEOSAUQUA WAY AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT AND A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT-DOOR SWING TO AUST REAL ESTATE, LLC FOR \$11,280

WHEREAS, on May 10, 2021, by Roll Call No. 21-0690, 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 Aust Real Estate, LLC, owner of property at 1201 Keosauqua Way, to vacate portions of Crocker Street, 12th Street and Keosauqua Way right-of-way adjoining 1201 Keosauqua Way, Des Moines, Iowa, subject to the reservation of any easements for all existing utilities until such time that they are abandoned or relocated; and

WHEREAS, Aust Real Estate, LLC is negotiating an Offer to Purchase with the City of Des Moines for purchase of a Permanent Easement for Building Encroachment and a Permanent Easement for Building Encroachment – Door Swing adjoining 1201 Keosauqua Way, Des Moines, Iowa (hereinafter “Property”), to allow for door swing encroachments and existing building encroachments into the vacated right-of-way; and

WHEREAS, there is no known current or future public need for the street right-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said Property and conveyance of a Permanent Easement for Building Encroachment and a Permanent Easement for Building Encroachment – Door Swing therein; and

WHEREAS, on May 24, 2021, by Roll Call No. 21-0773, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the Permanent Easement for Building Encroachment and a Permanent Easement for Building Encroachment – Door Swing be set for hearing on June 14, 2021, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate the street right-of-way and convey a Permanent Easement for Building Encroachment and a Permanent Easement for Building Encroachment – Door Swing in such vacated right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, a continuance of the public hearing is needed until the Council meeting on June 28, 2021, to allow the surveyor for Aust Real Estate, LLC to review apparent discrepancies in the legal descriptions of the property to be vacated.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the public hearing for vacation of portions of Crocker Street, 12th Street and Keosauqua Way right-of-way adjoining 1201 Keosauqua Way, Des Moines, Iowa and conveyance of a Permanent Easement for Building Encroachment and a Permanent Easement for Building Encroachment – Door Swing in such vacated right-of-way be and is hereby continued to June 28, 2021 at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

★ Roll Call Number

21-0897

Agenda Item Number

58

Date June 14, 2021

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Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

RTW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

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.

MOTION CARRIED APPROVED
P. M. Frank Mayor

P. Kay Cmelik City Clerk