



Date August 9, 2021

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF WATSON POWELL JR. WAY RIGHT-OF-WAY ADJOINING 524 4TH STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR SUBSURFACE BUILDING ENCROACHMENT AND A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT TO THE STATE OF IOWA FOR THE USE AND BENEFIT OF THE DEPARTMENT FOR THE BLIND

WHEREAS, on June 14, 2021, by Roll Call No. 21-0849, 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 the State of Iowa to vacate a 6.5-foot by 43.0-foot segment of surface rights and an 11.0-foot by 9.75-foot segment of subsurface rights in Watson Powell Jr. Way right-of-way in the vicinity of 524 4th Street, Des Moines, Iowa to allow for an existing basement encroachment and repairs to an existing accessible ramp and stairs in the building occupied by the Iowa Department of the Blind offices; and

WHEREAS, the State of Iowa has requested the City of Des Moines convey a Permanent Easement for Subsurface Building Encroachment and a Permanent Easement for Building Encroachment in portions of the Watson Powell Jr. Way right-of-way adjoining 524 4th Street, Des Moines, Iowa (hereinafter "Property"), for the benefit and use of the Iowa Department for the Blind, and for no consideration in accordance with Iowa Code §364.7(3) for the public purpose of allowing an existing basement encroachment and repairs to an existing accessible ramp and stairs in the adjoining building; and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be vacated, and the City will not be inconvenienced by the vacation of said Property and conveyance of a Permanent Easement for Subsurface Building Encroachment and a Permanent Easement for Building Encroachment therein.

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 a 6.5-foot by 43.0-foot segment of surface rights and an 11.0-foot by 9.75-foot segment of subsurface rights in portions of the Watson Powell Jr. Way right-of-way located north of and adjoining 524 4th Street, Des Moines, Iowa, legally described as follows:

Surface Vacation:

A rectangular shaped portion of the Watson Powell Jr. Way Right of Way north of and adjacent to Lot 13, The New Y.M.C.A. Plat, an Official Plat, Des Moines, Polk County, Iowa, more particularly described as follows: Commencing at the northeast corner of said Lot 13; thence N89°33'20"W along the south Right of Way line of said Watson Powell Jr. Way, a distance of 55.24 feet to the point of beginning; thence continuing N89°33'20"W along said Right of Way line, a distance of 43.00 feet; thence N00°26'40"E, a distance of 6.50 feet; thence S89°33'20"E, a distance of 43.00 feet; thence S00°26'40"W, a distance of 6.50 feet to the point of beginning. Easement contains 280 square feet.



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Subsurface Vacation:

A rectangular shaped portion of the Watson Powell Jr. Way Right of Way north of and adjacent to Lot 13, The New Y.M.C.A. Plat, an Official Plat, Des Moines, Polk County, Iowa, more particularly described as follows: Commencing at the northeast corner of said Lot 13; thence N89°33'20"W along the south Right of Way line of said Watson Powell Jr. Way, a distance of 59.00 feet to the point of beginning; thence continuing N89°33'20"W along said Right of Way line, a distance of 9.75 feet; thence N00°26'49"E, a distance of 11.00 feet; thence S89°33'20'E, a distance of 9.75 feet; thence S00°26'49"W, a distance of 11.00 feet to the point of beginning. Easement contains 107 square feet.

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

- 2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Subsurface Building Encroachment and a Permanent Easement for Building Encroachment, as legally described below, to the State of Iowa for the benefit and use of the Iowa Department for the Blind, for no consideration in accordance with Iowa Code §364.7(3):

Surface Easement:

A rectangular shaped easement in a portion of vacated Watson Powell Jr. Way Right of Way north of and adjacent to Lot 13, The New Y.M.C.A. Plat, an Official Plat, Des Moines, Polk County, Iowa, more particularly described as follows: Commencing at the northeast corner of said Lot 13; thence N89°33'20"W along the south Right of Way line of said Watson Powell Jr. Way, a distance of 55.24 feet to the point of beginning; thence continuing N89°33'20"W along said Right of Way line, a distance of 43.00 feet; thence N00°26'40"E, a distance of 6.50 feet; thence S89°33'20'E, a distance of 43.00 feet; thence S00°26'40"W, a distance of 6.50 feet to the point of beginning. Easement contains 280 square feet.

Subsurface Easement:

A rectangular shaped easement in a portion of vacated Watson Powell Jr. Way Right of Way north of and adjacent to Lot 13, The New Y.M.C.A. Plat, an Official Plat, Des Moines, Polk County, Iowa, more particularly described as follows: Commencing at the northeast corner of said Lot 13; thence N89°33'20"W along the south Right of Way line of said Watson Powell Jr. Way, a distance of 59.00 feet to the point of beginning; thence continuing N89°33'20"W along said Right of Way line, a distance of 9.75 feet; thence N00°26'49"E, a distance of 11.00 feet; thence S89°33'20'E, a distance of 9.75 feet; thence S00°26'49"W, a distance of 11.00 feet to the point of beginning. Easement contains 107 square feet.

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

- 3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such easements is to be considered shall be on August 23, 2021, at 5:00 p.m. in the City Council



Roll Call Number

21-1215

Agenda Item Number

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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. 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. August 19, 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 August 23, 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.

- 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.

Moved by *Gatto* to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

PW

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

MOTION CARRIED 7 APPROVED
J. M. Frankhu Cowme 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