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SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF PORTIONS OF CROCKER STREET, 12TH STREET AND KEOSAUQUA WAY RIGHT-OF-WAY ADJOINING 1201 KEOSAUQUA WAY AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT-DOOR SWING TO AUST REAL ESTATE, LLC FOR \$5,760

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 has offered to the City of Des Moines ("City") the purchase price of \$5,760.00, for the purchase of a Permanent Easement for Building Encroachment – Door Swing in the vacated Crocker Street, 12th Street and Keosauqua Way right-of-way adjoining 1201 Keosauqua Way, Des Moines, Iowa (hereinafter "Property"), to allow for door swing encroachments into the vacated right-of-way, which price reflects the fair market value of the Property as determined by the City's Real Estate Division; and

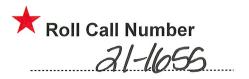
WHEREAS, the City has no known current or anticipated public need for the Property proposed to be vacated, and the City will not be inconvenienced by the vacation of said Property and conveyance of a Permanent Easement for Building Encroachment – Door Swing therein.

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 portions of Crocker Street, 12th Street and Keosauqua Way right-of-way adjoining 1201 Keosauqua Way, Des Moines, Iowa, legally described as follows:

A PART OF CROCKER STREET RIGHT-OF-WAY LYING NORTH AND ADJACENT TO THE NORTH LINE OF LOT 3, FERRINGTON PLACE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST 80 FEET OF LOT 18, BLOCK 1, WHITES ADDITION, AN OFFICIAL PLAT; THENCE NORTH 89°22'09" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF CROCKER STREET, 234.42 FEET AND TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°22'09" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 30.00 FEET; THENCE NORTH 00°37'51" EAST, 6.00 FEET; THENCE SOUTH 89°22'09" EAST, 30.00 FEET; THENCE SOUTH 00°37'51" WEST, 6.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 180 S.F.



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A PART OF CROCKER STREET RIGHT-OF-WAY LYING NORTH AND ADJACENT TO THE NORTH LINE OF LOT 2, FERRINGTON PLACE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST 80 FEET OF LOT 18, BLOCK 1, WHITES ADDITION, AN OFFICIAL PLAT; THENCE NORTH 89°22'09" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF CROCKER STREET, 160.38 FEET AND TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°22'09" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 5.00 FEET; THENCE NORTH 00°37'51" EAST, 5.00 FEET; THENCE SOUTH 89°22'09" EAST, 5.00 FEET; THENCE SOUTH 00°37'51" WEST, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 25 S.F.

AND

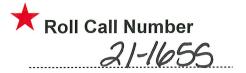
A PART OF 12TH STREET RIGHT-OF-WAY LYING EAST AND ADJACENT TO THE EAST LINE OF LOT 2, FERRINGTON PLACE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST 80 FEET OF LOT 18, BLOCK 1, WHITES ADDITION, AN OFFICIAL PLAT; THENCE NORTH 89°22'09" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF CROCKER STREET, 146.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 2 AND ALSO THE WEST RIGHT-OF-WAY LINE OF 12TH STREET; THENCE SOUTH 00°20'33" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, 86.72 FEET AND TO THE POINT OF BEGINNING; THENCE NORTH 89°39'27" EAST, 5.00 FEET; THENCE SOUTH 00°20'33" EAST, 5.00 FEET; THENCE SOUTH 89°39'27" WEST, 5.00 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE NORTH 00°20'33" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 25 S.F.

AND

A PART OF KEOSAUQUA WAY RIGHT-OF-WAY LYING SOUTH AND ADJACENT TO THE SOUTHWESTERLY LINE OF LOTS 1 AND 2, FERRINGTON PLACE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST 80 FEET OF LOT 18, BLOCK 1, WHITES ADDITION, AN OFFICIAL PLAT; THENCE NORTH 89°22'09" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF CROCKER STREET, 146.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 2 AND ALSO THE WEST RIGHT-OF-WAY LINE OF 12TH STREET; THENCE SOUTH 00°20'33" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, 172.27 FEET TO THE SOUTH CORNER OF SAID LOT 1, THENCE NORTH 42°34'53" WEST ALONG THE SOUTHWEST LINE OF SAID LOT 1 AND ALSO THE NORTHEAST RIGHT-OF-WAY LINE OF KEOSAUQUA WAY, 34.20 FEET AND TO THE POINT OF BEGINNING; THENCE SOUTH 47°25'07" WEST, 5.00 FEET; THENCE NORTH 42°34'53" WEST, 69.13 FEET; THENCE NORTH



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47°25'07" EAST, 5.00 FEET TO SAID NORTHEAST RIGHT-OF-WAY LINE; THENCE SOUTH 42°34'53" EAST ALONG SAID NORTHEAST RIGHT-OF-WAY LINE, 69.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 346 S.F.

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 Building Encroachment – Door Swing, as legally described and to the grantees and for the consideration identified below:

Grantee: Aust Real Estate, LLC

Consideration: \$5,760.00

Legal Description:

Building Encroachment - Door Swing

EASEMENT DESCRIPTION (A)

A PART OF VACATED CROCKER STREET RIGHT-OF-WAY LYING NORTH AND ADJACENT TO THE NORTH LINE OF LOT 3, FERRINGTON PLACE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

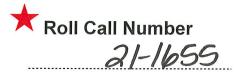
COMMENCING AT THE NORTHEAST CORNER OF THE WEST 80 FEET OF LOT 18, BLOCK 1, WHITES ADDITION, AN OFFICIAL PLAT; THENCE NORTH 89°22'09" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF CROCKER STREET, 234.42 FEET AND TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°22'09" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 30.00 FEET; THENCE NORTH 00°37'51" EAST, 6.00 FEET; THENCE SOUTH 89°22'09" EAST, 30.00 FEET; THENCE SOUTH 00°37'51" WEST, 6.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 180 S.F.

AND

EASEMENT DESCRIPTION (B)

A PART OF VACATED CROCKER STREET RIGHT-OF-WAY LYING NORTH AND ADJACENT TO THE NORTH LINE OF LOT 2, FERRINGTON PLACE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST 80 FEET OF LOT 18, BLOCK 1, WHITES ADDITION, AN OFFICIAL PLAT; THENCE NORTH 89°22'09" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF CROCKER STREET, 160.38 FEET AND TO THE POINT OF



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BEGINNING; THENCE CONTINUING NORTH 89°22'09" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 5.00 FEET; THENCE NORTH 00°37'51" EAST, 5.00 FEET; THENCE SOUTH 89°22'09" EAST, 5.00 FEET; THENCE SOUTH 00°37'51" WEST, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 25 S.F.

AND

EASEMENT DESCRIPTION (C)

A PART OF VACATED 12TH STREET RIGHT-OF-WAY LYING EAST AND ADJACENT TO THE EAST LINE OF LOT 2, FERRINGTON PLACE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST 80 FEET OF LOT 18, BLOCK 1, WHITES ADDITION, AN OFFICIAL PLAT; THENCE NORTH 89°22'09" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF CROCKER STREET, 146.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 2 AND ALSO THE WEST RIGHT-OF-WAY LINE OF 12TH STREET; THENCE SOUTH 00°20'33" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, 86.72 FEET AND TO THE POINT OF BEGINNING; THENCE NORTH 89°39'27" EAST, 5.00 FEET; THENCE SOUTH 00°20'33" EAST, 5.00 FEET; THENCE SOUTH 89°39'27" WEST, 5.00 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE NORTH 00°20'33" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 25 S.F.

AND

EASEMENT DESCRIPTION (D)

A PART OF VACATED KEOSAUQUA WAY RIGHT-OF-WAY LYING SOUTH AND ADJACENT TO THE SOUTHWESTERLY LINE OF LOTS 1 AND 2, FERRINGTON PLACE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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	PROPERTY	SUBJE	CT TO A	ANY A	ND ALL	EASEMENTS OF RECORD.
3.	conveyance of si City Council Ch Council will con public hearing. I arguments from	uch eas amber, asider the In addi- any res 11, 202	ements City Hanne above tion, the sident o	is to ball, 400 re-desce City r taxpa	e consider Robert Ro	cich the adoption of said ordinance and the sale and cred shall be on November 15, 2021, at 5:00 p.m. in the D. Ray Drive, Des Moines, Iowa. At that time the City posal and any other(s) submitted prior to or during the shall receive written views, comments, objections and e City that are received by the City Clerk prior to 5:00, Des Moines City Hall, 400 Robert D. Ray Drive, 1st admgov.org).
	Please check the manner in which and safety guidel	ı the pı	agenda	a in ad earing	vance of will be co	the November 15, 2021 meeting for any update on the onducted to comply with COVID-19 social distancing
4.	That the City Cl hereto attached a	erk is l ll in ac	nereby a	authori ce with	zed and 6 §362.3 c	directed to publish notice of said proposal in the form of the Iowa Code.
5.	Non-project relate EG064090.	ted land	d sale p	roceed	s are used	d to support general operating budget expenses: Org –
						Matter
		Mo	oved by			to adopt.
API	PROVED AS TO F	ORM:				
	/s/ Lisa A. Wi	ioland				
Lic			City At	tomo ox :		_
On.	a A. Wieland, Ass	Sistant		torney	, †	
	COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE
	COWNIE			ļ		
	BOESEN					I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the
	GATTO	V				City Council of said City of Des Moines,
	GRAY		-			held on the above date, among other
	MANDELBAUM					proceedings the above was adopted.
		-				proceedings the above was adopted.
	VOSS WESTERGAARD	V				IN WITNESS WHEREOF, I have hereunto

MAYOR PRO TEM