



Roll Call Number

22-0041

Agenda Item Number

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Date January 10, 2022

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SET HEARING FOR APPROVAL OF DOCUMENTS TO CORRECT THE VACATION OF A PORTION OF COHEN PARK LOCATED NORTH OF AND ADJOINING 1106 SCOTT AVENUE AND TO ISSUE A CORRECTED QUIT CLAIM DEED TO DES MOINES CLIMATE CONTROLLED STORAGE, LLC

WHEREAS, on October 18, 2021, by Roll Call No. 21-1579, the City Council of the City of Des Moines voted to pass Ordinance No. 16,053 vacating a portion of Cohen Park located north of and adjoining 1106 Scott Avenue, Des Moines, Iowa and to approve the sale of such vacated parkland to Des Moines Climate Controlled Self Storage, LLC, subject to the reservation of easements for any existing utilities until such time that they are abandoned; and

WHEREAS, subsequent to passing Ordinance No. 16,053 and recording a quit claim deed conveying said vacated parkland, an error was discovered in the legal description of the vacated parkland leading to the need to repeal said ordinance, pass a new ordinance to vacate the properly described portion of Cohen Park, and issue a Corrected Quit Claim Deed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, shall consider repealing Ordinance No. 16,053 and adopting a corrected ordinance permanently vacating a portion of Cohen Park lying north of and adjoining 1106 Scott Avenue, legally described as follows, subject to the reservation of easements for any existing utilities until such time that they are abandoned:

A PARCEL OF LAND IN PARCEL 'A', AN OFFICIAL PARCEL RECORDED IN BOOK 15781, PAGE 375-376 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID PARCEL 'A'; THENCE S14°46'34"E, 49.91 FEET ALONG THE EAST LINE OF SAID PARCEL 'A' TO THE NE CORNER OF LOT 4, BLOCK 13, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT RECORDED IN BOOK 'B', PAGE 50 AT THE POLK COUNTY RECORDER'S OFFICE, SAID NE CORNER ALSO BEING THE MOST EASTERN POINT OF SAID PARCEL 'A'; THENCE S74°47'07"W, 46.91 FEET ALONG A LINE THAT COINCIDES WITH THE NORTH LINE OF SAID LOT 4 AND THE SOUTH LINE OF SAID PARCEL 'A' TO THE NW CORNER OF THE E1/3 OF SAID LOT 4; THENCE S14°44'11"E, 12.43 FEET ALONG THE EAST LINE OF SAID E1/3 OF SAID LOT 4 TO A POINT ON THE SOUTH LINE OF THE NORTH 12.43 FEET OF SAID LOT 4; THENCE S74°47'07"W, 107.42 FEET ALONG A LINE THAT COINCIDES WITH SAID SOUTH LINE OF THE NORTH 12.43 FEET OF LOT 4 TO A POINT; THENCE N14°48'48"W, 15.89 FEET ALONG A LINE THAT COINCIDES WITH THE WEST LINE OF PARCEL 2019-34, AN OFFICIAL PARCEL RECORDED IN BOOK 18580, PAGE 467 AT THE POLK COUNTY RECORDER'S OFFICE TO A POINT ON THE NORTH LINE OF SAID PARCEL 'A', SAID POINT ALSO BEING THE SW CORNER OF SAID PARCEL 2019-34; THENCE N58°04'14"E, 161.53 FEET ALONG

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SAID NORTH LINE OF PARCEL 'A' AND THE SOUTH LINE OF SAID PARCEL 2019-34 TO THE POINT OF BEGINNING AND CONTAINING 5454 SQUARE FEET MORE OR LESS.

- 2. The City Council of the City of Des Moines, Iowa, further proposes to issue a Corrected Quit Claim Deed to Des Moines Climate Controlled Self Storage, LLC for the vacated parkland, legally described as follows, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated:

A PARCEL OF LAND IN PARCEL 'A', AN OFFICIAL PARCEL RECORDED IN BOOK 15781, PAGE 375-376 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID PARCEL 'A'; THENCE S14°46'34"E, 49.91 FEET ALONG THE EAST LINE OF SAID PARCEL 'A' TO THE NE CORNER OF LOT 4, BLOCK 13, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT RECORDED IN BOOK 'B', PAGE 50 AT THE POLK COUNTY RECORDER'S OFFICE, SAID NE CORNER ALSO BEING THE MOST EASTERN POINT OF SAID PARCEL 'A'; THENCE S74°47'07"W, 46.91 FEET ALONG A LINE THAT COINCIDES WITH THE NORTH LINE OF SAID LOT 4 AND THE SOUTH LINE OF SAID PARCEL 'A' TO THE NW CORNER OF THE E1/3 OF SAID LOT 4; THENCE S14°44'11"E, 12.43 FEET ALONG THE EAST LINE OF SAID E1/3 OF SAID LOT 4 TO A POINT ON THE SOUTH LINE OF THE NORTH 12.43 FEET OF SAID LOT 4; THENCE S74°47'07"W, 107.42 FEET ALONG A LINE THAT COINCIDES WITH SAID SOUTH LINE OF THE NORTH 12.43 FEET OF LOT 4 TO A POINT; THENCE N14°48'48"W, 15.89 FEET ALONG A LINE THAT COINCIDES WITH THE WEST LINE OF PARCEL 2019-34, AN OFFICIAL PARCEL RECORDED IN BOOK 18580, PAGE 467 AT THE POLK COUNTY RECORDER'S OFFICE TO A POINT ON THE NORTH LINE OF SAID PARCEL 'A', SAID POINT ALSO BEING THE SW CORNER OF SAID PARCEL 2019-34; THENCE N58°04'14"E, 161.53 FEET ALONG SAID NORTH LINE OF PARCEL 'A' AND THE SOUTH LINE OF SAID PARCEL 2019-34 TO THE POINT OF BEGINNING AND CONTAINING 5454 SQUARE FEET MORE OR LESS.

- 3. That the meeting of the City Council at which the repeal of Ordinance No. 16,053, the adoption of said corrected ordinance vacating such right-of-way, and the issuance of a Corrected Quit Claim Deed conveying said vacated right-of-way is to be considered shall be on January 24, 2022, 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.

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. January 20, 2022 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).



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Please check the posted agenda in advance of the January 24, 2022 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. There are no proceeds associated with this action.

Moved by Boesen to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

DW

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

MOTION CARRIED 7 APPROVED

J. M. Franklin Cownie 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