



Roll Call Number

22-1548

Agenda Item Number

51

Date October 3, 2022

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CONTINUANCE HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF EAST JEFFERSON AVENUE RIGHT-OF-WAY ADJOINING 1626 DIXON STREET, 1730 EAST WASHINGTON AVENUE AND 1637 EAST 17TH STREET AND CONVEYANCE TO LIBERTY HOLDINGS, INC. FOR \$13,725

WHEREAS, on August 8, 2022, by Roll Call No. 22-1245, 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 JSB Fiontair, LLC to vacate a segment of the east-west street right-of-way of East Jefferson Avenue located to the west of Dixon Street, Des Moines, Iowa, subject to the reservation of any necessary easements for all existing utilities in place until abandoned or relocated at the applicant’s expense; and

WHEREAS, on August 18, 2022, the City Plan and Zoning Commission voted to recommend to the City of Des Moines City Council the approval of a request from Liberty Holdings, Inc. to vacate the easternmost 255 lineal feet of East Jefferson Avenue right-of-way located west of Dixon Street and adjoining 1626 Dixon Street, Des Moines, Iowa, subject to the reservation of any necessary easements for all existing utilities in place until abandoned or relocated at the applicant’s expense; and

WHEREAS, Liberty Holdings, Inc., owner of 1626 Dixon Street, has offered to the City of Des Moines (“City”) the purchase price of \$13,725.00 for the purchase of a portion of vacated East Jefferson Avenue right-of-way, and a portion of excess City property, all adjoining their property, (hereinafter “Property”) for assemblage with its adjoining property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the fair market value of the City Property as determined by the City’s Real Estate Division; and

WHEREAS, the City has no known current or anticipated 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 portion of said vacated right-of-way, and a portion of excess City property, to Liberty Holdings, Inc.; and

WHEREAS, on September 12, 2022, by Roll Call No. 22-1404, it was duly resolved by the City Council that the proposed vacation and conveyance of the street right-of-way be set down for hearing on October 3, 2022, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey the City Property was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, an error was discovered where a portion of the property to be conveyed had not been vacated which will require further City action to address; and

WHEREAS, a continuance of the public hearing is needed until the Council meeting on November 7, 2022, to allow additional time for the west portion of East Jefferson to be vacated.



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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the public hearing for vacation and conveyance to Liberty Holdings, Inc. for \$13,725.00, be and is hereby opened and continued to November 7, 2022, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

Moved by Westergaard to adopt. Second by Voss.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno

Mackenzie L. Moreno, Assistant City Attorney

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

M. Frank Cownie
Mayor

CERTIFICATE

I, Laura Baumgartner, 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.

Laura Baumgartner

City Clerk