



Roll Call Number

23-1610

Agenda Item Number

14

Date November 20, 2023

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF EAST 22ND STREET RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 2200 ELIZABETH AVENUE AND CONVEYANCE TO LARRY D. HENSON AND RITA HENSON FOR \$100.00

WHEREAS, on November 6, 2023, by Roll Call No. 23-1535, the City Council of the City of Des Moines, Iowa voted to receive and file the communication from the Plan and Zoning Commission recommending the approval of a request from Larry D. Henson for vacation of approximately 1,250 square feet of the north/south segment of undeveloped East 22nd Street right-of-way located west of and adjoining 2200 Elizabeth Avenue, and bounded by Easton Boulevard to the north, and Elizabeth Avenue to the south, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense; and

WHEREAS, . Larry D. Henson and Rita Henson, the owners of 2200 Elizabeth Avenue, Des Moines, Iowa, has offered to the City of Des Moines ("City") the purchase price of \$100.00 for the purchase of the portion of vacated E. 22nd Street right-of-way located west of and adjoining 2200 Elizabeth Avenue, (hereinafter "Property"), for assemblage with their 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, there is no known current or future public need or benefit for the right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said Property.

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 adoption of an ordinance permanently vacating approximately 1,250 square feet of the north/south segment of undeveloped East 22nd Street right-of-way located west of and adjoining 2200 Elizabeth Avenue, Des Moines, Iowa, subject to the reservation of easements therein, legally described as follows:

THE EAST 25 FEET OF EAST 22ND STREET RIGHT OF WAY LYING WEST OF AND ADJOINING THE SOUTH 50 FEET OF LOT 1, COLSON'S ADDITION TO EAST DES MOINES, IOWA, OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 0.29 ACRES (1,250 SQUARE FEET).

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the portion of street right-of-way, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein:

Grantee: Larry D. Henson and Rita Henson
Consideration: \$100.00



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Legal Description:

THE EAST 25 FEET OF VACATED EAST 22ND STREET RIGHT OF WAY LYING WEST OF AND ADJOINING THE SOUTH 50 FEET OF LOT 1, COLSON'S ADDITION TO EAST DES MOINES, IOWA, OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 0.29 ACRES (1,250 SQUARE FEET).

- 3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on December 4, 2023, said meeting to be held 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. Persons interested in the proposal will be given the opportunity to express their views at that hearing.
4. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 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. Second by Boesen.

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

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.

J. M. Frankin Cownie Mayor

Laura Baumgartner City Clerk