

Date September 22, 2014

**SET HEARING FOR VACATION AND CONVEYANCE OF A DEAD-END SEGMENT OF EAST/WEST ALLEY RIGHT-OF-WAY EAST OF EAST 28<sup>TH</sup> STREET, BETWEEN INDIANAPOLIS AVENUE AND KINSEY AVENUE, TO RANDALL VAN GUNDY FOR \$50, TO ESTHER HALTERMAN FOR \$50, TO FAITH TABERNACLE, INC. FOR \$75, AND TO ROBERT AND BARBARA HENDERSON FOR \$100**

**WHEREAS**, on July 28, 2014, by Roll Call No. 14-1136, City Council adopted a recommendation from the City Plan and Zoning Commission approving a request for the vacation of a dead-end segment of east/west alley between Kinsey Avenue and Indianapolis Avenue from East 28<sup>th</sup> Street to a point approximately 190 to the east, subject to the reservation of easements for all existing utilities in place until such time as they are relocated, and reservation of right of entry for servicing same; and

**WHEREAS**, Randall Van Gundy, owner of 2812 Indianapolis Avenue, Esther Halterman, owner of 2806 Indianapolis Avenue, Faith Tabernacle, Inc., owner of 2811 Kinsey Avenue, and Robert and Barbara Henderson, owners of 2800 Kinsey Avenue, have offered to the City of Des Moines the total purchase price of \$275 for the purchase of their respective portions of the vacated alley right-of-way adjoining their properties for incorporation into their adjoining property, which price reflects the fair market value of said vacated alley right-of-way as currently estimated by the City's Real Estate Division; and

**WHEREAS**, there is no known current or future public need or benefit for the City 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, as follows:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating a dead-end segment of east/west alley between Kinsey Avenue and Indianapolis Avenue from East 28<sup>th</sup> Street to a point approximately 190 to the east, legally described as follows:

ALL OF THE EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 201, 200, 199, 198, AND 197; AND THE WEST 1/2 OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING SAID EAST-WEST ALLEY RIGHT-OF-WAY, ALL IN BOULEVARD ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. That if the City Council decides to vacate the above described alley right-of-way, the City of Des Moines further proposes to sell such vacated right-of-way, as described below, to the grantees and for the consideration identified below:

.....  
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To: Randall Van Gundy For: \$50

THE SOUTH HALF OF THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING ALL OF LOT 197 AND LYING NORTH OF AND ADJOINING THE EAST 19 FEET OF LOT 198; AND THE SOUTH HALF OF THE WEST HALF OF THE VACATED NORTH-SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING SAID EAST-WEST VACATED ALLEY RIGHT-OF-WAY, ALL IN BOULEVARD ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APROXIMATELY 488 SQUARE FEET.

To: Esther Halterman For: \$50

THE SOUTH HALF OF THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING THE WEST 18 FEET OF LOT 198 AND LYING NORTH OF AND ADJOINING ALL OF LOT 199, ALL IN BOULEVARD ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APROXIMATELY 440 SQUARE FEET.

To: Faith Tabernacle, Inc. For: \$75

THE NORTH HALF OF THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOTS 187, 188 AND 189; AND THE NORTH HALF OF THE WEST HALF OF THE VACATED NORTH-SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING SAID EAST-WEST VACATED ALLEY RIGHT-OF-WAY, ALL IN BOULEVARD ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 928 SQUARE FEET.

To: Robert and Barbara Henderson For: \$100

ALL OF THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOT 185 AND LOT 186, ALL IN BOULEVARD ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APROXIMATELY 1184 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 October 6, 2014, 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.

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.

★ **Roll Call Number**

**Agenda Item Number**


*20*

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5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Cori Kuhn Coleman  
 Assistant City Attorney

*psw*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

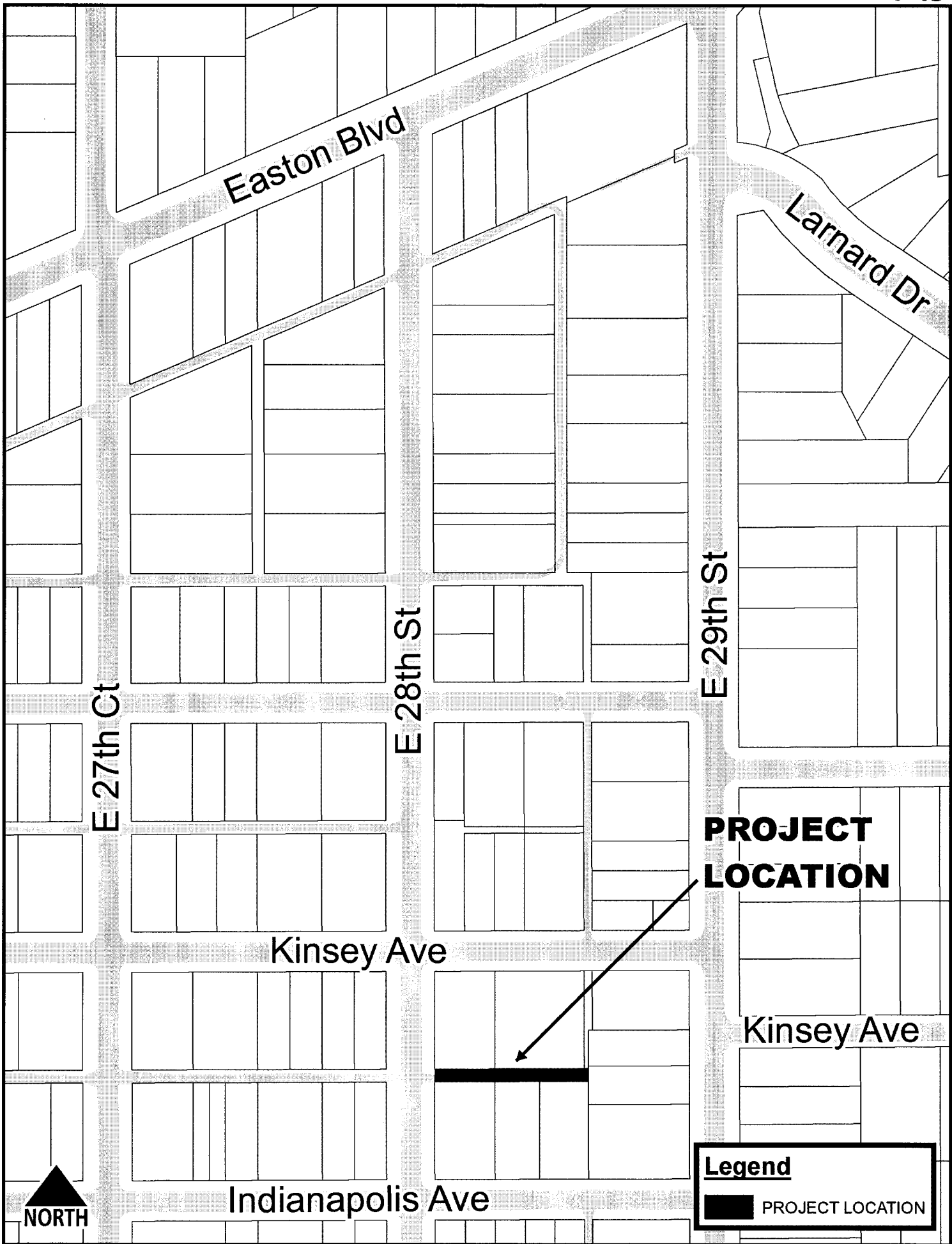
MOTION CARRIED APPROVED  
 \_\_\_\_\_ Mayor

**CERTIFICATE**

I, DIANE RAUH, 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.

\_\_\_\_\_ City Clerk



Easton Blvd

Larnard Dr

E 27th Ct

E 28th St

E 29th St

**PROJECT LOCATION**

Kinsey Ave

Kinsey Ave

Indianapolis Ave

NORTH

**Legend**  
PROJECT LOCATION