

Date July 11, 2016

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF EAST/WEST ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 810 26<sup>TH</sup> STREET TO RALLY CAP PROPERTIES, LLC FOR \$100.00**

**WHEREAS**, on June 13, 2016, by Roll Call No. 16-0939, the City Council of the City of Des Moines, Iowa, received and filed a recommendation from the City Plan and Zoning Commission recommending approval of a request for the vacation of an east/west segment of alley between Rollins Avenue and Center Street from 26<sup>th</sup> Street to a point 79.4 feet to the west, adjoining the south property line of 810 26<sup>th</sup> Street, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

**WHEREAS**, Rally Cap Properties, LLC, the owner of 810 26<sup>th</sup> Street, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$100.00 for the purchase of the east/west segment of alley between Rollins Avenue and Center Street, adjoining the south property line of 810 26<sup>th</sup> Street for incorporation into their adjoining property in order to mitigate existing gravel driveway and garage encroachments, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of said portion of 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 for the alley 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. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the east/west segment of alley between Rollins Avenue and Center Street, adjoining the south property line of 810 26<sup>th</sup> Street, legally described as follows:

ALL OF THE EAST/WEST ALLEY LYING SOUTH OF AND ADJOINING THE EAST 79.4 FEET OF LOT 16, SAUCERMAN'S WOODLAWN PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 794 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the east/west segment of alley between Rollins Avenue and Center Street, adjoining the south property line of 810 26<sup>th</sup> Street, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

Grantee: Rally Cap Properties, LLC  
Consideration: \$100.00

Date July 11, 2016

Legal Description:

ALL OF THE VACATED EAST/WEST ALLEY LYING SOUTH OF AND ADJOINING THE EAST 79.4 FEET OF LOT 16, SAUCERMAN'S WOODLAWN PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 794 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 July 25, 2016, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, 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.

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:

  
 Lisa A. Wieland  
 Assistant City Attorney

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

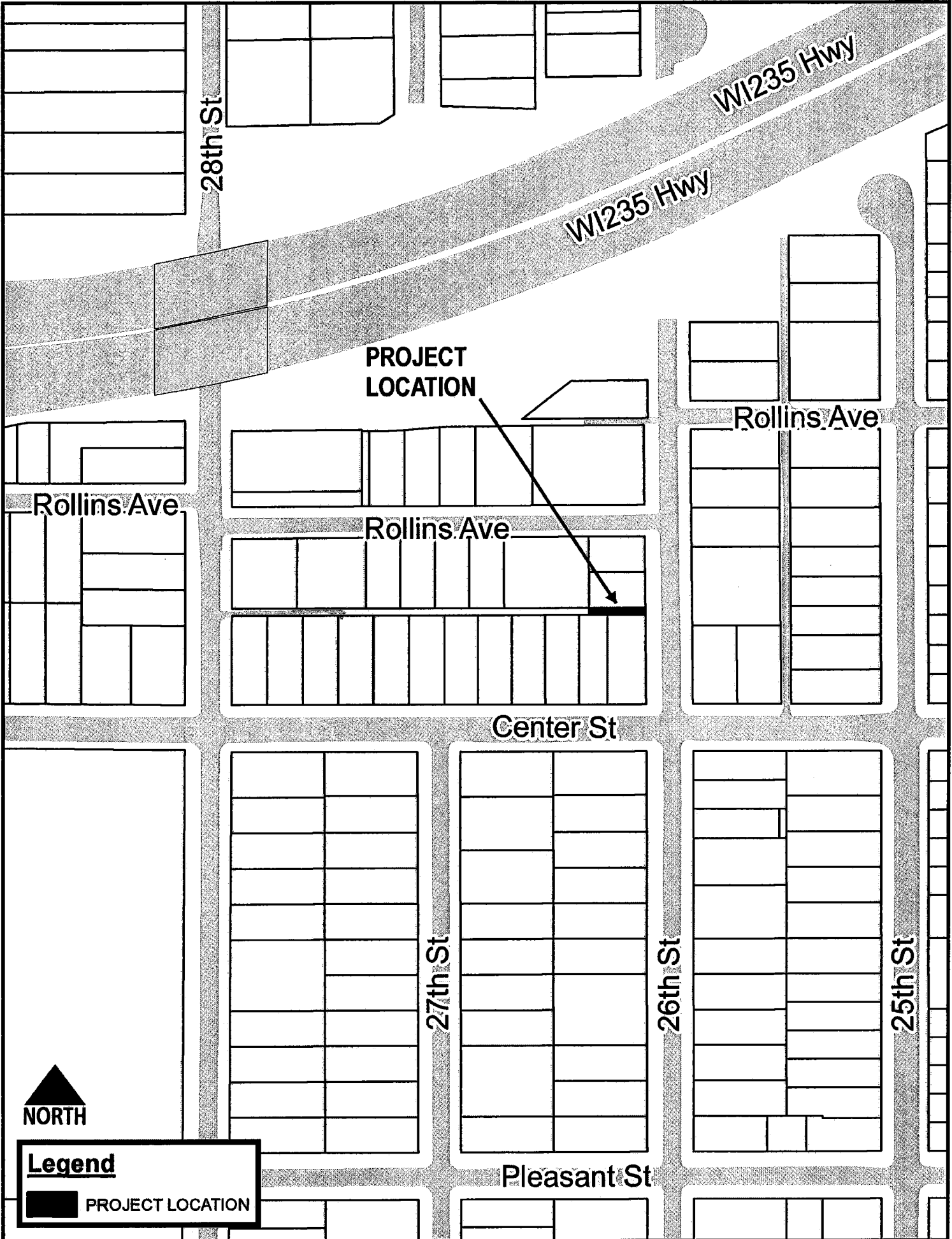
MOTION CARRIED APPROVED  
 \_\_\_\_\_ Mayor

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



**Legend**  
PROJECT LOCATION