

Date August 20, 2018

RECEIVE AND FILE WRITTEN COMMUNICATION FROM CHRISTOPHER R. POSE ON BEHALF OF SPOTFREE CAR WASH, LLC REGARDING THE VACATION OF A PORTION OF ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 1437 E. 14TH STREET

WHEREAS, on August 6, 2018, by Roll Call No. 18-1367, an ordinance vacating a portion of alley right-of-way located south of and adjoining 1437 East 14th Street was considered by the Des Moines City Council and given first vote for passage; and

WHEREAS, Christopher R. Pose represents Spotfree Car Wash, LLC, owner of 1437 E. 14th Street, and has requested his attached written communication be included for consideration by the Des Moines City Council.

Moved by _____ to receive and file the attached written communication from Christopher R. Pose on behalf of Spotfree Car Wash, LLC.

APPROVED AS TO FORM:



 Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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

LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

WILLIAM J. LILLIS
MICHAEL W. O'MALLEY
EUGENE E. OLSON
DANIEL L. MANNING, SR.
CHRISTOPHER R. POSE
JOEL B. TEMPLEMAN*
BRIDGET O'MALLEY KAUTZKY
DANIEL M. MANNING, JR.
*LICENSED IN IOWA & ILLINOIS

ATTORNEYS AT LAW

(ESTABLISHED 1917)

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Writer's direct email: cpose@lolaw.com

JOHN CONNOLLY, JR. (1891-1975)
GEORGE E. O'MALLEY (1905-1982)
JOHN CONNOLLY III (1918-1998)
BERNARD J. CONNOLLY (1920-1970)
C. I. MCNUTT (1901-1958)
STREETAR CAMERON (1957-2008)

August 17, 2018

Via Email to City Clerk

Honorable Mayor and
Members of the Des Moines City Council
400 Robert D. Ray Drive
Des Moines, IA 50309

Re: Alley Vacation Request; Item No. 37 of August 20th Council Agenda – Spot Free Car Wash

Dear Honorable Mayor and Members of the Council:

I continue to represent Spot Free Car Wash in supporting a request to vacate and convey the alley adjacent to the north side of the Spot Free Car Wash location to Spot Free Car Wash. This item is on your agenda for August 20, 2018 as Item No. 37.

I have received a copy of a letter from an attorney representing Mr. Don Moyer, and we disagree with the position taken in said letter. Spot Free Car Wash has a definite plan to utilize the property and incorporate the alley into its development. See attached preliminary layout.

Mr. Moyer's letter as included in his attorney's recent letter to the council, was given to the Plan and Zoning Commission and was considered by them in making their recommendation to you to vacate the alley. The council was also given the attached consent and objection map on August 6.

The principal problem which gives rise to the need for the alley vacation conveyance request is parking that is occurring in the alley by Mr. Moyer and/or other used car businesses in the area. This parking frustrates the ability of the car wash bays to operate effectively. The parking is noted in numerous photos already on file with the City and as shown to the Plan and Zoning Commission. Interestingly, both of the attached materials illustrate and depict vehicles of Mr. Moyer's business being parked in the alley that is requested to be vacated and conveyed. If half of the alley is conveyed to Mr. Moyer, we believe the parking problem will be more difficult to solve.

It is my client's understanding after discussions with Mr. Moyer that any proposed sale of his land to Dollar General is now not going to occur.

We would request that the council, at their meeting of August 20, 2018, proceed with second consideration of the ordinance vacating the alley and authorize conveyance to Spot Free Car Wash.

We would further request that the third reading of the ordinance be waived.

I will be in attendance at your meeting of August 20th and will be happy to answer any questions you may have.

Sincerely,



Christopher R. Pose
For the Firm

CRP/dj

cc: Hope Wood – *via email*

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SPOTFREE CAR WASH

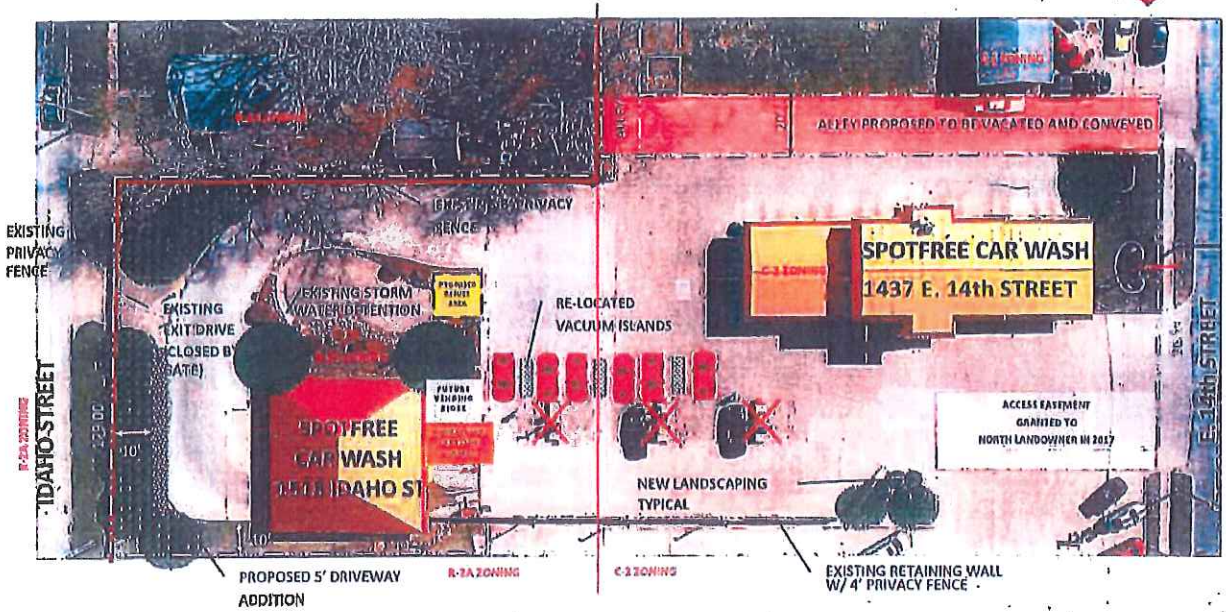
1437 E. 14th St.
Des Moines, IA 50316

515-255-0110 Fax: 515-981-5178
Email: sales@spotfreecarwash.com

PRELIMINARY LAYOUT

Proposal to vacate and convey City of Des Moines alley south of car wash to Spotfree Car Wash

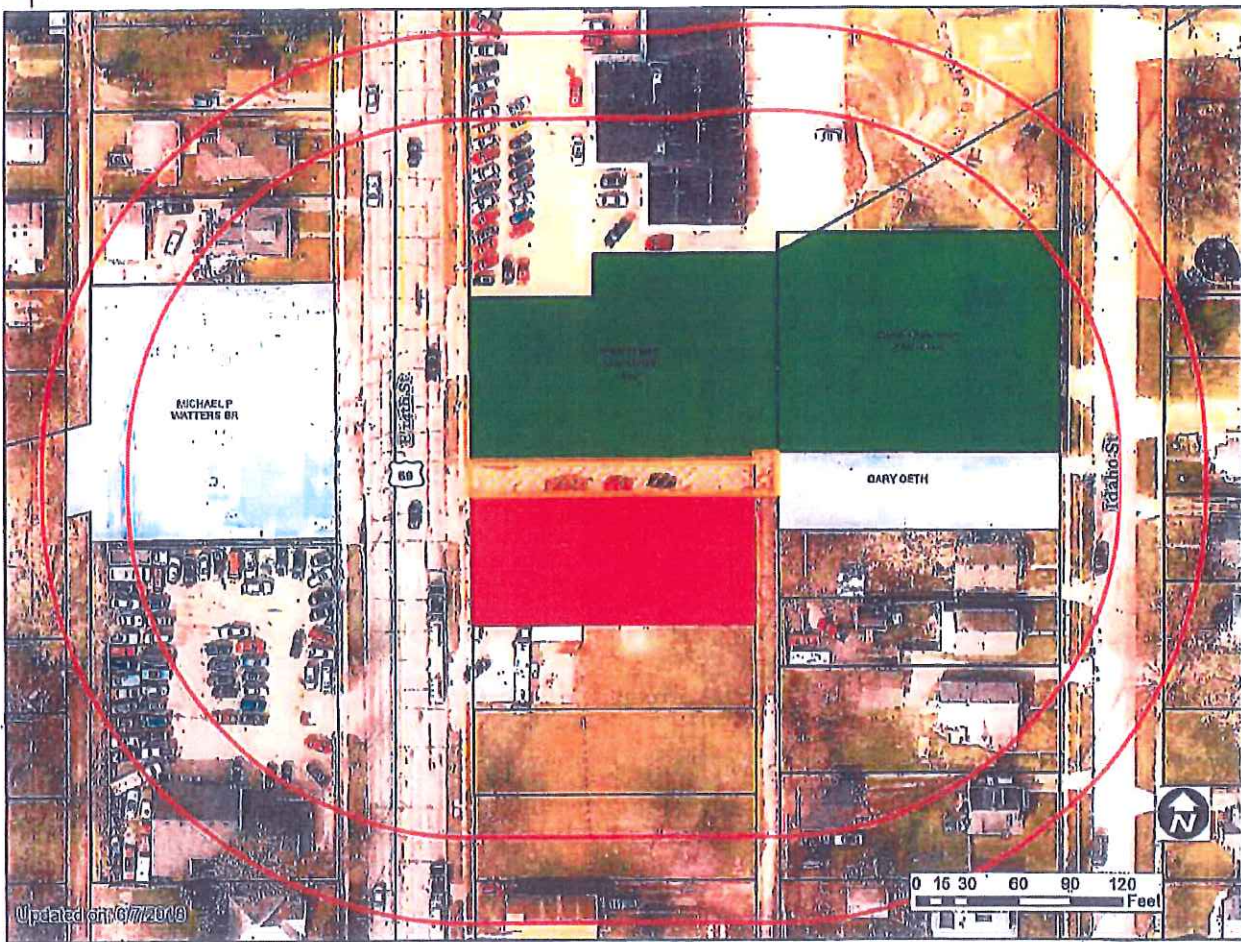
June 21, 2018



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City Council initiated, 1437 East 14th Street

11-2018-1.13



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