



Roll Call Number

Agenda Item Number

37B-1

Date August 20, 2018

An Ordinance entitled, "AN ORDINANCE vacating a portion of alley right-of-way located south of and adjoining 1437 East 14th Street",

which was considered and voted upon for the first time under Roll Call No. 18-1367 of August 6, 2018, and considered and voted upon for the second time under Roll Call No. 18-_____ of August 20, 2018, again presented.

Moved by _____ that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass.

ORDINANCE NO. _____

NOTE: Waiver of this rule is requested by Christopher R. Pose, Attorney, on behalf of Spotfree Car Wash, LLC.

FORM APPROVED:

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)

317 SIXTH AVENUE, SUITE 300
DES MOINES, IOWA 50309-4127

TELEPHONE (515) 243-8157

FAX (515) 243-3919

WWW.LILLISOMALLEY.COM

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.

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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,

Handwritten signature of Christopher R. Pose in black ink, consisting of the initials 'CRP' followed by a horizontal line.

Christopher R. Pose
For the Firm

CRP/dj

cc: Hope Wood – *via email*