

Date August 9, 2021

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING 1106 SCOTT AVENUE AND CONVEYANCE TO DES MOINES CLIMATE CONTROLLED SELF STORAGE, LLC FOR \$9,280.00**

**WHEREAS**, on June 28, 2021, by Roll Call No. 21-0966, the City Council of the City of Des Moines, Iowa, voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a request Des Moines Climate Controlled Self Storage, LLC to vacate the north-south alley right-of-way located east of and adjoining 1106 Scott Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated, to allow the property to be assembled with adjoining property for purposes of commercial redevelopment; and

**WHEREAS**, Des Moines Climate Controlled Self Storage, LLC (“Buyer”), the owner of 1106 Scott Avenue, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$9,280.00 for the purchase of the north-south alley right-of-way located east of and adjoining 1106 Scott Avenue for incorporation into the adjoining property for commercial redevelopment, subject to the reservation of easements for all existing utilities in place until such time that they are abandoned or relocated, and further subject to a no-build easement, which easement will be included in the Quit Claim Deed from City to Buyer, which price reflects the restricted fair market value of the alley right-of-way as determined 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 north-south alley right-of-way located east of and adjoining 1106 Scott Avenue, Des Moines, Iowa, legally described as follows, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated:

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 6 AND 7, BLOCK 13, ALLEN’S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.05 ACRES (2236 SQUARE FEET).

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2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated alley right-of-way located east of and adjoining 1106 Scott Avenue, Des Moines, Iowa, as legally described, to the grantee and for the consideration identified below, subject to reservation of easements therein, and further subject to a no-build easement, which easement will be included in the Quit Claim Deed from City to Buyer:

Grantee: Des Moines Climate Controlled Self Storage, LLC

Consideration: \$9,280.00

Legal Description:

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 6 AND 7, BLOCK 13, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.05 ACRES (2236 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 August 23, 2021, at 5:00 p.m. in the City Council Chamber, City Hall, 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.

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. August 19, 2021 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

Please check the posted agenda in advance of the August 23, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

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.

Date August 9, 2021

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

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

*PW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, P. Kay Cmelik, 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



