

.....
Date December 20, 2021

HOLD HEARING FOR APPROVAL OF DOCUMENTS TO CORRECT THE VACATION OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 1010 13TH STREET AND TO ISSUE A CORRECTED QUIT CLAIM DEED TO JOPPA CHEATOM PARK, LLC

WHEREAS, on October 18, 2021, by Roll Call No. 21-1585, the City Council of the City of Des Moines voted to pass Ordinance No. 16,055 vacating the north-south alley right-of-way located west of and adjoining 1010 13th Street, Des Moines, Iowa and to approve the sale of such vacated alley right-of-way to JOPPA Cheatom Park, LLC, for \$25.00, subject to the reservation of easements for any existing utilities until such time that they are abandoned; and

WHEREAS, subsequent to passing Ordinance No. 16,055 and recording a quit claim deed conveying said vacated alley right-of-way, an error was discovered in the legal description of the vacated alley right-of-way leading to the need to repeal said ordinance, pass a new ordinance to vacate the properly described right-of-way, and issue a Corrected Quit Claim Deed; and

WHEREAS, on December 6, 2021, by Roll Call No. 21-1820, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed corrected vacation and conveyance of the alley right-of-way be set for hearing on December 20, 2021, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to repeal Ordinance No. 16,055 and to correct the vacation and conveyance of the alley right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal, including how to participate electronically and telephonically; and

WHEREAS, in accordance with City Council direction, those interested in the proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed repeal of Ordinance No. 16,055 and the vacation of the alley right-of-way as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the north-south alley right-of-way located west of and adjoining 1010 13th Street, Des Moines, Iowa, legally described as follows, subject to the reservation of easements for any existing utilities until such time that they are abandoned, and said vacation is hereby approved:

A PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 4, BLOCK F, DAY'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW

.....
Date December 20, 2021

INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 82.78 FEET; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO A POINT ON THE EAST LINE OF LOT 5 IN SAID BLOCK F, SAID POINT BEING 83.22 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 5; THENCE NORTH ALONG SAID EAST LINE OF SAID LOT 5 TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE EAST ALONG A STRAIGHT LINE TO THE NORTHWEST CORNER OF SAID LOT 4 AND THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.03 ACRES (1271 SQUARE FEET).

3. The City Council of the City of Des Moines, Iowa, further approves the issuance of a Corrected Quit Claim Deed for said vacated alley right-of-way to JOPPA Cheatom Park, LLC, legally described as follows, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated:

A PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 4, BLOCK F, DAY'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 82.78 FEET; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO A POINT ON THE EAST LINE OF LOT 5 IN SAID BLOCK F, SAID POINT BEING 83.22 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 5; THENCE NORTH ALONG SAID EAST LINE OF SAID LOT 5 TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE EAST ALONG A STRAIGHT LINE TO THE NORTHWEST CORNER OF SAID LOT 4 AND THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.03 ACRES (1271 SQUARE FEET).

4. The Mayor is authorized and directed to sign the Corrected Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk is authorized and directed to forward the original of the Corrected Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Corrected Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Corrected Quit Claim Deed and a copy of the other documents to the grantee.

.....
Date December 20, 2021

8. There are no proceeds associated with this action.

Moved by _____ to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

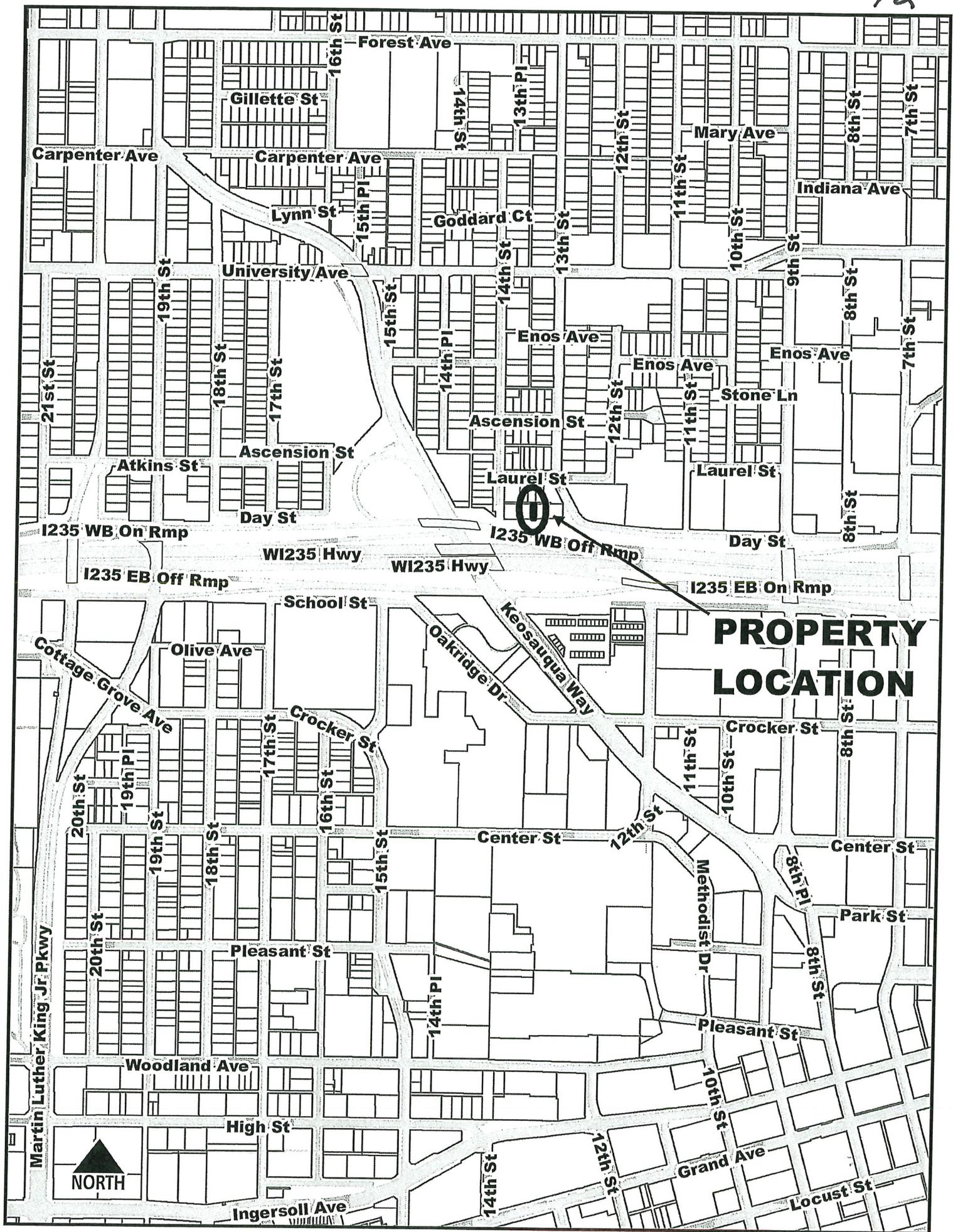
| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | | | | |
| BOESEN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| MANDELBAUM | | | | |
| VOSS | | | | |
| WESTERGAARD | | | | |
| TOTAL | | | | |
| MOTION CARRIED | | | APPROVED | |
| _____ 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



**PROPERTY
LOCATION**

