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Date May 9, 2022

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF VACATED CITY ALLEY IN THE BLOCK BOUNDED BY EAST AURORA AVENUE ON THE NORTH, EAST SHAWNEE AVENUE ON THE SOUTH, CORNELL STREET ON THE WEST AND COLUMBIA STREET ON THE EAST AS PART OF THE HAMILTON DRAIN STORM SEWER IMPROVEMENTS PROJECT

WHEREAS, on January 20, 1992, by Roll Call No. 92-184, the City Council of the City of Des Moines voted to approve Ordinance No. 11,768 vacating City alley in the block bounded by East Aurora Avenue on the north, East Shawnee Avenue on the south, Cornell Street on the west and Columbia Street on the east, as legally described below, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated; and

WHEREAS, on July 15, 2019, by Roll Call No. 19-1087, the City Council of the City of Des Moines voted to authorize The Hamilton Drain Storm Sewer Improvements Project (hereinafter “Project”); and

WHEREAS, multiple encroachments on City property were discovered during the Project, the adjoining property owners have agreed to eliminate the encroachments by acquiring the portion of vacated alley adjoining their properties; and

WHEREAS, there is no known current or future public need or benefit for the City Property proposed to be sold, and the City will not be inconvenienced by the sale of said Property.

WHEREAS, on April 18, 2022 by Roll Call No. 22-0597, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on May 9, 2022, 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 convey the Property was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed 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 conveyance of vacated City alley in the block bounded by East Aurora Avenue on the north, East Shawnee Avenue on the south, Cornell Street on the west and Columbia Street on the east, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.

Date May 9, 2022

2. There is no public need or benefit for the excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of vacated City alley in the block bounded by East Aurora Avenue on the north, East Shawnee Avenue on the south, Cornell Street on the west and Columbia Street on the east, Des Moines, Iowa, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein and said conveyance is hereby approved:

Grantee: Genea C. Moore

Consideration: \$25.00

Legal Description: THE WEST HALF (W 1/2) OF THE SOUTH 50 FEET OF THE NORTH 335.4 FEET OF LOT B, BLOCK 4 OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Harry L. Garrison, Jr.

Consideration: \$50.00

Legal Description: ALL OF LOT B LYING WEST OF AND ADJOINING LOT 1 OF BLOCK 4, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 808 SQUARE FEET.

Grantee: Chester L. Briley and Susan M. Briley

Consideration: \$50.00

Legal Description: ALL OF LOT B LYING WEST OF AND ADJOINING LOT 2 OF BLOCK 4, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 800 SQUARE FEET.

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Date May 9, 2022

Grantee: Cormic A. McNamara

Consideration: \$25.00

Legal Description: THE WEST HALF (W 1/2) OF LOT B LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 3 AND LYING NORTH OF THE SOUTH LINE OF THE NORTH 185.4 FEET OF SAID LOT B, ALL IN BLOCK 4 OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 439 SQUARE FEET.

Grantee: DLR Holdings, LLC

Consideration: \$25.00

Legal Description: THE EAST HALF (E 1/2) OF LOT B LYING WEST OF AND ADJOINING LOT 4 OF BLOCK 4, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Guidner Properties, LLC

Consideration: \$25.00

Legal Description: THE EAST HALF (E 1/2) OF LOT B LYING WEST OF AND ADJOINING LOT 8 OF BLOCK 4, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Date May 9, 2022

Grantee: Karen M. Dykes
Consideration: \$25.00

Legal Description: THE EAST HALF (E 1/2) OF LOT B LYING WEST OF AND ADJOINING LOT 9 OF BLOCK 4, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Kendall Roth and Joshua Roth
Consideration: \$25.00

Legal Description: THE EAST HALF (E 1/2) OF LOT B LYING WEST OF AND ADJOINING LOT 12 OF BLOCK 4, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

3. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deeds for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreements.
5. Upon proof of payment of the consideration, the City Clerk is authorized and directed to forward the original of the Quit Claim Deeds, 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 Quit Claim Deeds, 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.

Date May 9, 2022

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deeds and copies of the other documents to the grantees.

8. Proceeds from this land sale will be returned to the Hamilton Drain Storm Sewer Improvements Project: Org – E304PW99.

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

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

DW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
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

