



Date April 15, 2024

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED IN THE BLOCK BOUNDED BY NEW YORK AVENUE AND CORNING AVENUE AND SEVENTH AND EIGHTH STREET, AND CONVEYANCE TO COLD STORAGE REHAB, LLC**

**WHEREAS**, on February 29, 1912, the Consumers Ice Company conveyed to the City of Des Moines, Iowa a segment of alley right-of-way between Corning Avenue on the north and the east-west alley on the south, all in the block bounded by New York Avenue and Corning Avenue and Seventh and Eighth Street; and

**WHEREAS**, sometime during the 1960s, the building at 2814 7<sup>th</sup> Street located south of the north-south and the east-west alleys expanded over both alleys; and

**WHEREAS**, no record exists of the north-south alley right-of-way being vacated and conveyed to the property owner at the time of the building expansion; and

**WHEREAS**, the current property owner and successor in interest to Consumers Ice Company, Cold Storage Rehab, LLC, has asked the City of Des Moines to officially vacate and convey to them the segment of alley right-of-way between Corning Avenue on the north and the former east-west alley on the south in order to clear title to the property and allow for its redevelopment; and

**WHEREAS**, there is no known current or future public need for the right-of-way proposed to be vacated and conveyed, and the City will not be inconvenienced by the vacation and conveyance of said alley right-of-way.

**WHEREAS**, on April 1, 2024, by Roll Call No. 24-0492, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the alley right-of-way be set for hearing on April 15, 2024, 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 vacate and convey the alley right-of-way was given 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 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 vacation and conveyance of the alley right-of-way, as described herein, are hereby overruled and the hearing is closed.

**Date** April 15, 2024

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 a segment of alley right-of-way between Corning Avenue on the north and the former east-west alley on the south, in Des Moines, Iowa, legally described as follows:

THE WEST 10 FEET OF THE EAST 60 FEET OF LOT 215, MANN'S SECOND ADDITION TO LAKE PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,192 SQUARE FEET.

3. The proposed conveyance of such vacated alley right-of-way, as legally described below, to Cold Storage Rehab, LLC in order to clear title to the property and allow for its redevelopment be and is hereby approved:

THE WEST 10 FEET OF THE EAST 60 FEET OF LOT 215, MANN'S SECOND ADDITION TO LAKE PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,192 SQUARE FEET.

4. The Mayor is authorized and directed to sign the 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 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 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 Quit Claim Deed and copies of the other documents to the grantee.

8. There are no proceeds associated with this conveyance.



**Roll Call Number**

**Agenda Item Number**

51

Date April 15, 2024

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

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno  
Mackenzie L. Moreno, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

I, LAURA BAUMGARTNER, 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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Laura Baumgartner, City Clerk

**EXHIBIT A**

Corning Ave

WESTERLY LINE  
OF LOT 215

**LOT 215**

NORTH LINE  
OF LOT 215

EAST LINE  
OF LOT 215

SOUTH LINE  
OF LOT 215

10 FT

60 FT

7th St

New York Ave

**MANN'S SECOND ADDITION TO LAKE PARK**



**Legend**

AREA TO BE VACATED



NORTH