

Date May 20, 2024

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE NORTH/SOUTH ALLEY ADJOINING 811 ROOSEVELT AVENUE AND CONVEYANCE TO CENTRAL IOWA HOSPITAL CORPORATION FOR \$3,800.00**

**WHEREAS**, On December 3, 1979, by Ordinance No. 9668, the City Council of the City of Des Moines, Iowa vacated (except the north 120 feet) the north/south alley lying south of the westerly extension of the north line of Lot 49, and lying north of the north line of Lot 37; and

**WHEREAS**, Central Iowa Hospital Corporation has requested the vacation and partial conveyance of the remaining portion of the north/south alley right-of-way, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, which request was not presented to the City’s Plan and Zoning Commission for review and has instead been determined by the City’s Traffic Engineer to have no significant impact upon the public use of the right-of-way, in accordance with Municipal Code 102-286(b); and

**WHEREAS**, Central Iowa Hospital Corporation, the owner of 811 Roosevelt Avenue, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$3,800.00 for the purchase of the north/south alley for incorporation into their adjoining property for redevelopment of a part of 1309 Pennsylvania Avenue, 1315 Pennsylvania Avenue, 1319 Pennsylvania Avenue, and 811 Roosevelt Avenue for a new medical facility, subject to reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the 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; and

**WHEREAS**, on May 6, 2024, by Roll Call No. 24-0651, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the alley be set for hearing on May 20, 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 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:

.....  
**Date**..... May 20, 2024.....

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation of 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 adjoining 811 Roosevelt Avenue, legally described as follows, and said vacation is hereby approved:

THE 14.00 FOOT WIDE NORTH-SOUTH ALLEY EAST OF AND ADJACENT WITH THE SOUTH 50.00 FEET OF LOT 25 AND EAST OF AND ADJACENT WITH THE NORTH 70.00 FEET OF LOT 27, ALL IN CAPITAL PARK, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA. CONTAINING 1,680 SQUARE FEET

3. The proposed sale of a portion of such vacated alley right-of-way, as legally described below and to the grantee and for the consideration identified below, subject to reservation of easements therein, and said conveyance is hereby approved:

Grantee: Central Iowa Hospital Corporation  
Consideration: \$3,800.00

Legal Description:

THE WEST HALF OF THE 14.00 FOOT WIDE VACATED NORTH-SOUTH ALLEY EAST OF AND ADJACENT WITH THE SOUTH 50.00 FEET OF LOT 25 AND EAST OF AND ADJACENT WITH THE NORTH 70.00 FEET OF LOT 27, ALL IN CAPITAL PARK, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA. CONTAINING 840 SQUARE FEET

4. The Mayor is authorized and directed to sign the Offer to Purchase and 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 Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.

5. Upon proof of payment of the consideration, plus \$113.00 for publication and recording costs, 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

**Date** May 20, 2024

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 a copy of the other documents to the grantee.

8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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	
_____ Mayor				

**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.

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

# PROPERTY LOCATION

