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Date..... March 9, 2026.....

**HOLD HEARING FOR VACATION OF THE EAST/WEST ALLEY RIGHT-OF-WAY
ADJOINING 1541 8TH STREET AND CONVEYANCE TO THE DES MOINES
INDEPENDENT COMMUNITY SCHOOL DISTRICT**

WHEREAS, Des Moines Independent Community School District (“DMICSD”), the owner of 1541 8th Street, Des Moines, Iowa, has requested that the City of Des Moines, Iowa (“City”) vacate the east/west alley right-of-way lying south of and adjoining 1541 8th Street (hereinafter “Property”), which request was not presented to the City’s Plan and Zoning Commission for review and has instead been determined by the City 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, DMICSD has agreed to acquire the vacated alley right-of-way for no consideration in accordance with Iowa Code Section 364.7(3) for the public purpose of redevelopment of Moulton Elementary School, subject to reservation of any necessary easements for all existing utilities in place until abandoned or relocated at the applicant’s expense; and

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

WHEREAS, on February 23, 2026, by Roll Call No. 26-0237, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of alley right-of-way be set down for hearing on March 9, 2026, at 5:00 p.m., in the City Council Chamber, T.M. Franklin Cownie City Administration Building, 1200 Locust Street, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate and convey the alley right-of-way 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 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 of the east/west alley right-of-way lying south of and adjoining 1541 8th Street, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the alley right-of-way, legally described as follows, and said vacation is hereby approved:

Date March 9, 2026

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 26 AND 41 AND LYING SOUTH OF AND ADJOINING THE VACATED NORTH/SOUTH ALLEY LYING BETWEEN SAID LOTS 26 AND 41, ALL IN FINK'S ADDITION TO NORTH DES MOINES PLAT NO.2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 2,227 SQUARE FEET.

3. The conveyance of a such vacated alley right-of-way, as legally described below, to the Des Moines Independent Community School District for no consideration and in accordance with Iowa Code Section 364.7(3), subject to reservation of easements therein, be and is hereby approved:

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 26 AND 41 AND LYING SOUTH OF AND ADJOINING THE VACATED NORTH/SOUTH ALLEY LYING BETWEEN SAID LOTS 26 AND 41, ALL IN FINK'S ADDITION TO NORTH DES MOINES PLAT NO.2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 2,227 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. Upon final passage of an ordinance vacating said right-of-way, 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 to the grantee.

8. There will be no proceeds associated with the conveyance of this property.

 **Roll Call Number**

Agenda Item Number

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Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Grant Hyland
 Grant Hyland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
BARRON				
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

