

Date April 1, 2024

**SET 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 or benefit 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.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

- 1. The City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating 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.

- 2. The City Council of the City of Des Moines, Iowa, further proposes to convey said portion of the vacated alley right-of-way, as legally described, to Cold Storage Rehab, LLC in order to clear title to the property and allow for its redevelopment:

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



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OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,192 SQUARE FEET.

- 3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on April 15, 2024, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing. Persons interested in the proposal will be given the opportunity to express their views at that hearing.
- 4. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
- 5. There are no proceeds associated with this conveyance.

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				
WESTERGARD				
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

**EXHIBIT A**

**Corning Ave**

WESTERLY LINE OF LOT 215

NORTH LINE OF LOT 215

EAST LINE OF LOT 215

SOUTH LINE OF LOT 215

**LOT 215**

10 FT

60 FT.

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

**7th St**

**New York Ave**

**Legend**

 AREA TO BE VACATED

