



Roll Call Number

17-2187

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Date December 18, 2017

HOLD HEARING FOR VACATION OF NORTH-SOUTH AND EAST-WEST ALLEY RIGHT-OF-WAY IN THE BLOCK BOUNDED BY CLARK STREET, 2ND PLACE, FOREST AVENUE AND 4TH STREET, AND CONVEYANCE OF PORTIONS OF THE VACATED ALLEYS TO GALWAY HOMES, INC. FOR \$275.00; TO ZACHARY A. POWELL FOR \$25.00; AND TO LAYLA KIMMEL FOR \$25.00

WHEREAS, on October 23, 2017, by Roll Call No. 17-1821, the City Council of the City of Des Moines, Iowa, received and filed a recommendation from the City Plan and Zoning Commission recommending approval of a City-initiated request for the vacation of the east-west and north-south portions of undeveloped alley in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street, in the vicinity of 335 Forest Avenue, to allow incorporation into the adjoining property for housing redevelopment subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated, and subject to Galway Homes, Inc. granting a vehicular access easement within the east-west portion of alley right-of-way to benefit the adjoining properties owned by Yuridia Carrasco-Lechuda (1412 2nd Place) and the River Bend Neighborhood Association; and

WHEREAS, Galway Homes, Inc., the owner of 335 Forest Avenue, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$275.00 for the purchase of a portion of the east-west and north-south alley in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street in the vicinity of 335 Forest Avenue, for incorporation into its adjoining property for housing redevelopment, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, and subject to Galway Homes, Inc. granting a vehicular access easement within the east-west portion of alley right-of-way to benefit the adjoining properties owned by Yuridia Carrasco-Lechuda (1412 2nd Place) and the River Bend Neighborhood Association, which price reflects the fair market value of the alley right-of-way as currently estimated by the City's Real Estate Division; and

WHEREAS, Galway Homes, Inc. has agreed to grant a Permanent Easement for Vehicular Ingress and Egress upon the east-west portion of the vacated alley right-of-way to benefit the property locally known as 1412 2nd Place, and has since acquired the parcel owned by River Bend Neighborhood Association thereby satisfying those conditions established by the City Plan and Zoning Commission; and

WHEREAS, Zachary A. Powell, the owner of 1444 2nd Place, has offered to the City the purchase price of \$25.00 for the purchase of the east half of the north-south alley adjoining his property, subject to the 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 currently estimated by the City's Real Estate Division; and

WHEREAS, Layla Kimmel, the owner of 1450 2nd Place, has offered to the City the purchase price of \$25.00 for the purchase of the east half of the north-south alley adjoining her property, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned



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or relocated, which price reflects the fair market value of the alley right-of-way as currently estimated 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.

WHEREAS, on December 4, 2017, by Roll Call No. 17-2061, 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 December 18, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate and convey the east-west and north-south portions of undeveloped alley in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street, 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 east-west and north-south portions of undeveloped alley in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street, 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 east-west and north-south portions of undeveloped alley in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street, legally described as follows, and said vacation is hereby approved:

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BATES' SECOND ADDITION, AN OFFICIAL PLAT, LYING EAST OF AND ADJOINING LOTS 81 THROUGH 89 IN SAID BATES' SECOND ADDITION;

AND

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, LYING WEST OF AND ADJOINING LOTS 57 THROUGH 66 IN SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES;

AND



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ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY IN SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 66 IN SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, AND LYING EAST OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES;

AND

ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY IN SAUSERMAN'S SECOND ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 66 IN SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, AND LYING EAST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 1 IN SAID SAUSERMAN'S SECOND ADDITION TO NORTH DES MOINES;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The proposed sale of such vacated alley right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements therein, and further subject to Galway Homes, Inc. granting a Permanent Easement for Vehicular Ingress and Egress upon the east-west portion of the vacated alley right-of-way to benefit the property locally known as 1412 2nd Place, and said conveyance is hereby approved:

Grantee: Galway Homes, Inc.

Consideration: \$275.00

Legal Description: ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BATES' SECOND ADDITION, AN OFFICIAL PLAT, LYING EAST OF AND ADJOINING LOTS 81 AND 82 IN SAID BATES' SECOND ADDITION;

AND

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, LYING WEST OF AND ADJOINING LOTS 64 THROUGH 66 IN SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES;

AND

ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY IN SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 66 IN SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, AND LYING EAST OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES;

AND

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ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY IN SAUSERMAN'S SECOND ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 66 IN SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, AND LYING EAST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 1 IN SAID SAUSERMAN'S SECOND ADDITION TO NORTH DES MOINES;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Grantee: Zachary A. Powell

Consideration: \$25.00

Legal Description: ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, LYING WEST OF AND ADJOINING LOT 62 IN SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Grantee: Layla Kimmel

Consideration: \$25.00

Legal Description: ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, LYING WEST OF AND ADJOINING LOT 61 IN SAID MARSHALL'S 2ND ADDITION TO NORTH DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

4. The Mayor is authorized and directed to sign the Offers to Purchase and Quit Claim Deeds for the conveyances as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

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 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.

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 a copy of the other documents to the grantees.



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

(Council Communication No. 17- 859)

Moved by Gray to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

RW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED T. M. Franklin Mayor

CERTIFICATE

I, DIANE RAUH, 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.

Diane Rauh City Clerk