



Roll Call Number

18-1245

Agenda Item Number

22 ✓

Date July 23, 2018

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 1437 EAST 14TH STREET AND CONVEYANCE TO SPOTFREE CAR WASH, L.L.C. FOR \$1,000.00

WHEREAS, on July 9, 2018, the City Council of the City of Des Moines received a recommendation from the City Plan and Zoning Commission to approve a City-initiated request for vacation of a segment of City-owned alley right-of-way located south of and adjoining 1437 East 14th Street (“Property”) to allow for assemblage with the adjoining car wash site for vehicle maneuvering subject to the following conditions:

- Reservation of an easement for all existing utilities in place until such time that they are abandoned or are relocated; and
- Reservation of a public ingress/egress easement, as part of any conveyance of the vacated right-of-way, for access to the north/south alley at any point in time that said alley is redeveloped and improved for vehicular use; and

WHEREAS, Spotfree Car Wash, L.L.C., owner of the Spotfree Car Wash on the adjoining property at 1437 East 14th Street, has offered to the City of Des Moines, Iowa, the purchase price of \$1,000.00 for the purchase of said Property in order to allow for assemblage with the adjoining car wash site for vehicle maneuvering entering and exiting the car wash bays, subject to the reservation of an easement for all existing utilities in place until such time that they are abandoned or relocated and further subject to a public ingress/egress easement, which price reflects the restricted-use fair market value of said Property as determined by the City’s Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be sold, subject to reservation of easements therein, and the City will not be inconvenienced by the vacation and sale of said Property.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a segment of City-owned alley right-of-way located south of and adjoining 1437 East 14th Street, Des Moines, Iowa legally described as follows:

THE SOUTH 20 FEET OF LOT 235, ASHBROOK, AN OFFICIAL PLAT, AND THE NORTH-SOUTH ALLEY LYING EAST OF AND ADJOINING THE SOUTH 20 FEET OF SAID LOT 235, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 3,568 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated alley right-of-way, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements for utilities therein and further subject to a public ingress/egress easement:



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Grantee: Spotfree Car Wash, L.L.C.

Consideration: \$1,000.00

Legal Description: THE VACATED SOUTH 20 FEET OF LOT 235, ASHBROOK, AN OFFICIAL PLAT, AND THE VACATED NORTH-SOUTH ALLEY LYING EAST OF AND ADJOINING THE VACATED SOUTH 20 FEET OF SAID LOT 235, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 3,568 SQUARE FEET.

- 3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such excess street right-of-way is to be considered shall be on August 6, 2018, 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.
- 4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
- 5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

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.

T. M. Franklin Mayor

Diane Rauh City Clerk