

★ Roll Call Number

18-1366

Agenda Item Number

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Date August 6, 2018

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HOLD 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 any necessary easements 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, there is no known current or future public need for the street right-of-way proposed to be vacated and sold, subject to reservation of easements therein, and the City will not be inconvenienced by the vacation and sale of said Property; and

WHEREAS, on July 23, 2018, by Roll Call No. 18-1245, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the Property be set for hearing on August 6, 2018, 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 a segment of City-owned alley right-of-way located south of and adjoining 1437 East 14th Street, 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:

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1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of a segment of City-owned alley right-of-way located south of and adjoining 1437 East 14th 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 said alley right-of-way, legally described as follows, and said vacation is hereby approved:

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.

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 for utilities and further subject to an easement for public ingress/egress, is hereby approved:

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.

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. 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 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 grantees.

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

Moved by Westergaard to adopt, refer to the City Manager to have staff reach out to Mr. Moyer regarding this action.

APPROVED AS TO FORM:

Handwritten signature of Lisa A. Wieland, Assistant City Attorney

Lisa A. Wieland, Assistant City Attorney

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

MOOTION CARRIED

APPROVED

Handwritten signature of T. M. Franklin, Mayor

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.

Handwritten signature of Diane Rauh, City Clerk

City Clerk