



Roll Call Number

19-0498

Agenda Item Number

46

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Date March 25, 2019

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED BETWEEN SOUTHWEST 1<sup>ST</sup> STREET AND SOUTHWEST 2<sup>ND</sup> STREET FROM EDISON AVENUE TO COLUMBUS AVENUE AND CONVEYANCE TO CS FAMILY PROPERTIES, LLC FOR \$5,544.00**

**WHEREAS**, on December 17, 2018, by Roll Call No. 18-2068, the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the Plan and Zoning Commission recommending approval of a request from CS Family Properties, LLC, to vacate the north-south alley right-of-way located between Southwest 1st Street and Southwest 2nd Street from Edison Avenue to Columbus Avenue and adjoining 1900, 1904, 1912, and 1914 Southwest 1<sup>st</sup> Street, Des Moines, Iowa, subject to the reservation of any necessary easements for all existing utilities until such time that they are abandoned or relocated at the expense of a developer as part of any redevelopment of the property; and

**WHEREAS**, CS Family Properties, LLC, owner of 1900, 1904, 1912, and 1914 Southwest 1<sup>st</sup> Street, has offered to the City of Des Moines ("City") the purchase price of \$5,544.00 for the purchase of the north-south alley right-of-way located between Southwest 1st Street and Southwest 2nd Street from Edison Avenue to Columbus Avenue (hereinafter "Property"), to allow for assemblage with adjoining properties for redevelopment with a senior living apartments project, which price reflects the fair market value of the 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; and

**WHEREAS**, on March 11, 2019, by Roll Call No. 19-0360, 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 March 25, 2019, 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 the north-south alley right-of-way located between Southwest 1st Street and Southwest 2nd Street from Edison Avenue to Columbus Avenue, and adjoining 1900, 1904, 1912, and 1914 Southwest 1st Street, Des Moines, Iowa, 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 the north-south alley right-of-way located between Southwest 1st Street and Southwest 2nd Street from Edison Avenue to Columbus Avenue, 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 said right-of-way, legally described as follows, and said vacation is hereby approved:

ALL THAT PART OF THE NORTH/SOUTH ALLEY IN BLOCK 5 OF VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHEAST CORNER OF LOT 2 IN SAID BLOCK 5; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE TO THE NORTHWEST CORNER OF LOT 3 IN SAID BLOCK 5; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF SAID LOT 3 TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORHTEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.07 ACRES (2,918 SQUARE FEET).

3. The proposed sale of such vacated right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements for utilities therein, is hereby approved:

Grantee: CS Family Properties, LLC

Consideration: \$5,544.00

Legal Description: ALL THAT PART OF VACATED NORTH/SOUTH ALLEY IN BLOCK 5 OF VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 IN SAID BLOCK 5; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE TO THE NORTHWEST CORNER OF LOT 3 IN SAID BLOCK 5; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF SAID LOT 3 TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORHTEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.07 ACRES (2,918 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.



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

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland  
Lisa A. Wieland, Assistant City Attorney

PSW

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

MOTION CARRIED APPROVED

J. M. Frank 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