



Roll Call Number

19-1821

Agenda Item Number

18

Date November 18, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE EAST/WEST ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 3104 UNIVERSITY AVENUE AND CONVEYANCE TO KUM & GO, L.C. FOR \$22,660.00

WHEREAS, on October 14, 2019, by Roll Call No. 19-1597, the City Council of the City of Des Moines voted to receive and file a communication from the Plan and Zoning Commission regarding a request to vacate the dead-end east/west alley segment between University Avenue and Cottage Grove Avenue from 31st Street to a point that is 209 feet to the west, adjoining 3104 University Avenue, to allow for assemblage with the adjoining properties, subject to the reservation of easements for all public utilities in place until such time they are abandoned or relocated; and

WHEREAS, Kum & Go, L.C., owner of 3104 University Avenue, has offered to the City of Des Moines ("City") the purchase price of \$22,660.00 for the purchase of the vacated east/west alley right-of-way located south of and adjoining 3104 University Avenue, Des Moines, Iowa (hereinafter "Property"), to allow for assemblage with their adjoining property for commercial redevelopment, 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.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the east/west alley right-of-way located south of and adjoining 3104 University Avenue, Des Moines, Iowa, legally described as follows:

ALL OF THE 14-FOOT WIDE ALLEY OF JAMES H. LOPER'S FIRST ADDITION, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 8, SAID JAMES H. LOPER'S FIRST ADDITION; THENCE SOUTH 89°43'50" WEST ALONG THE NORTH LINE OF SAID LOT 8 AND THE NORTH LINE OF LOTS 7 THROUGH 5 OF SAID JAMES H. LOPER'S FIRST ADDITION, 208.88 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE NORTH 00°04'57" WEST ALONG THE WEST LINE OF SAID JAMES H. LOPER'S FIRST ADDITION, 14.00 FEET TO THE SOUTHWEST CORNER OF LOT 4 OF SAID JAMES H. LOPER'S FIRST ADDITION; THENCE NORTH 89°43'50" EAST ALONG THE SOUTH LINE OF SAID LOT 4 AND THE SOUTH LINE OF LOTS 1 THROUGH 3 OF SAID JAMES H. LOPER'S FIRST ADDITION, 208.90 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00°02'05" EAST ALONG THE EAST LINE OF SAID JAMES H. LOPER'S FIRST ADDITION, 14.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.07 ACRES (2,924 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 the reservation of easements for utilities therein:



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Grantee: Kum & Go, L.C.

Consideration: \$22,660.00

Legal Description: ALL OF THE VACATED 14-FOOT WIDE ALLEY OF JAMES H. LOPER'S FIRST ADDITION, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 8, SAID JAMES H. LOPER'S FIRST ADDITION; THENCE SOUTH 89°43'50" WEST ALONG THE NORTH LINE OF SAID LOT 8 AND THE NORTH LINE OF LOTS 7 THROUGH 5 OF SAID JAMES H. LOPER'S FIRST ADDITION, 208.88 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE NORTH 00°04'57" WEST ALONG THE WEST LINE OF SAID JAMES H. LOPER'S FIRST ADDITION, 14.00 FEET TO THE SOUTHWEST CORNER OF LOT 4 OF SAID JAMES H. LOPER'S FIRST ADDITION; THENCE NORTH 89°43'50" EAST ALONG THE SOUTH LINE OF SAID LOT 4 AND THE SOUTH LINE OF LOTS 1 THROUGH 3 OF SAID JAMES H. LOPER'S FIRST ADDITION, 208.90 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00°02'05" EAST ALONG THE EAST LINE OF SAID JAMES H. LOPER'S FIRST ADDITION, 14.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.07 ACRES (2,924 SQUARE FEET).

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such alley right-of-way is to be considered shall be December 2, 2019, 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.



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Moved by Boesen to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

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

CERTIFICATE

I, P. Kay Cmelik, 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.

[Signature]

City Clerk

[Signature] Mayor