



Roll Call Number

19-1942

Agenda Item Number

39

Date December 2, 2019

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**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE EAST/WEST ALLEY RIGHT-OF-WAY LOCATED NORTH OF AND ADJOINING 1821 INGERSOLL AVENUE AND CONVEYANCE TO LUTHERAN CHURCH OF HOPE FOR \$28,000.00**

**WHEREAS**, on September 23, 2019, by Roll Call No. 19-1481, 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 from Lutheran Church of Hope to vacate the segment of east/west alley between Ingersoll Avenue and High Street north of and adjoining, adjoining 1821 Ingersoll Avenue, to allow for assemblage with the adjoining property for future development, subject to the reservation of easements for all public utilities in place until such time they are abandoned or relocated; and

**WHEREAS**, Lutheran Church of Hope, owner of 1821 Ingersoll Avenue, has offered to the City of Des Moines ("City") the purchase price of \$28,000.00 for the purchase of the vacated east/west alley right-of-way located north of and adjoining 1821 Ingersoll Avenue, Des Moines, Iowa (hereinafter "Property"), to allow for assemblage with their adjoining property for 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; and

**WHEREAS**, on November 18, 2019, by Roll Call No. 19-1823, 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 December 2, 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 east/west alley right-of-way located north of and adjoining 1821 Ingersoll Avenue, 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:

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 alley right-of-way located north of and adjoining 1821 Ingersoll Avenue, as described herein, are hereby overruled and the hearing is closed.



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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:

THE NORTH 16 FEET OF THE WEST 175 FEET OF LOT "C", J.C. SAVERY'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 2,800 SQUARE FEET.

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

Grantee: Lutheran Church of Hope

Consideration: \$28,000.00

Legal Description: THE VACATED NORTH 16 FEET OF THE WEST 175 FEET OF LOT "C", J.C. SAVERY'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 2,800 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 grantee.

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



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Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

[Signature]

Eisa A. Wieland, Assistant City Attorney

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

MOTION CARRIED

APPROVED

[Signature]

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