



Roll Call Number

19-1945

Agenda Item Number

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Date December 2, 2019

HOLD 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; and

WHEREAS, on November 18, 2019, by Roll Call No. 19-1821, 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 south of and adjoining 3104 University 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 south of and adjoining 3104 University 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 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).

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: 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).

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, Assistant City Attorney

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

MOTION CARRIED APPROVED

Mayor

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.

City Clerk