



Roll Call Number

20-1440

Agenda Item Number

32

Date September 14, 2020

Page 1

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE EAST/WEST ALLEY RIGHT-OF-WAY LOCATED BETWEEN VALE STREET AND EAST RAILROAD AVENUE FROM SOUTHEAST 7TH STREET TO SOUTHEAST 8TH STREET AND CONVEYANCE TO THE ADJOINING PROPERTY OWNERS FOR \$375.00

WHEREAS, on July 13, 2020, by Roll Call No. 20-1106, the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a City-initiated request to vacate the east/west alley right-of-way segment between Vale Street and East Railroad Avenue from Southeast 7th Street to Southeast 8th Street, subject to the reservation of easements for existing utilities in place until such time as they are abandoned or relocated at the purchaser's expense; and

WHEREAS, Anchor Investment Group, LLC, the owner of 901 Southeast 7th Street and 709 and 714 Vale Street, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$175.00 for the purchase of the portion of vacated alley adjoining its property, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of said portion of alley right-of-way as determined by the City's Real Estate Division; and

WHEREAS, Thomas V. Ellis, Jr., the owner of 912 Southeast 8th Street and 712 East Railroad Avenue, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$125.00 for the purchase of the portion of vacated alley adjoining his property, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of said portion of alley right-of-way as determined by the City's Real Estate Division; and

WHEREAS, David E. Johnson and Vicki Stark, the owners of 700 East Railroad Avenue, have offered to the City of Des Moines, Iowa ("City") the purchase price of \$75.00 for the purchase of the portion of vacated alley adjoining their property, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of said portion of alley right-of-way as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the alley right-of-way proposed to be vacated and sold, 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, that:

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 segment between Vale Street and East Railroad Avenue from Southeast 7th Street to Southeast 8th Street, legally described as follows:

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY IN BLOCK 70, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.13 ACRES (5,724 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 reservation of easements therein:

Grantee: Anchor Investment Group, LLC

Consideration: \$175.00

Legal Description: ALL OF THE NORTH HALF (N 1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY IN BLOCK 70, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.07 ACRES (2,862 SQUARE FEET).

Grantee: Thomas V. Ellis, Jr.

Consideration: \$125.00

Legal Description: THE SOUTH HALF (S 1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 5 THROUGH 8 IN BLOCK 70, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.04 ACRES (1,908 SQUARE FEET).

Grantee: David E. Johnson and Vicki Stark

Consideration: \$75.00

Legal Description: THE SOUTH HALF (S 1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 3 AND 4 IN BLOCK 70, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.02 ACRES (954 SQUARE FEET).

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on October 5, 2020, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. Given Mayor Cownie's March 17, 2020 Proclamation, as amended prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor's June 25, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and the

★ Roll Call Number

20-1440

Agenda Item Number

32

Page 3

Date September 14, 2020

City Manager's decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic public access to the meeting location as set forth below. To participate in the electronic meeting, access is available telephonically (details below):

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://dmgov-org.zoom.us/j/97951986555?pwd=L0Q4YWVmL1NXaGxKdzJWRzhJRjlGUT09>

Passcode: 642423

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 720 928 9299 or 877 853 5257 (Toll Free) or 833 548 0276 (Toll Free)

Webinar ID: 979 5198 6555

International numbers available: <https://dmgov-org.zoom.us/j/97951986555>

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.

★ Roll Call Number
20-1440

Agenda Item Number
37

Date September 14, 2020

Page 4

Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/
 Lisa A. Wieland, Assistant City Attorney

Row

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			

J. M. Franklin Cownie
 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.

P. Kay Cmelik
 City Clerk