

★ Roll Call Number

20-1766

Agenda Item Number

23

Date November 9, 2020

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**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE EAST/WEST ALLEY RIGHT-OF-WAY LOCATED NORTH OF AND ADJOINING 809 VIRGINIA AVENUE, AND FOR VACATION OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 809 VIRGINIA AVENUE AND CONVEYANCE OF BOTH TO DIANA L. ANCELL FOR \$200.00**

**WHEREAS**, on September 14, 2020, by Roll Call No. 20-1438, 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 north/south alley and east/west alley in the block bounded by Broad Street, Virginia Avenue, Southwest 7<sup>th</sup> Street and Southwest 9<sup>th</sup> Street, subject to the reservation of easements for any existing utilities until such time that they are abandoned; and

**WHEREAS**, Diana L. Ansell, the owner of 809 Virginia Avenue, Des Moines, Iowa, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$200.00 for the purchase of the portion of vacated alley adjoining her property, subject to the reservation of easements for all existing utilities in place until such time that they are abandoned or relocated, and further subject to the reservation of a Permanent Easement for Ingress and Egress over a portion of the property to allow the City of Des Moines continued access to the remaining portions of north/south and east/west alley right-of-way that are not being vacated, which price reflects the restricted 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. 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 north of and adjoining 809 Virginia Avenue, and the north/south alley right-of-way located west of and adjoining 809 Virginia Avenue, legally described as follows, subject to the reservation of easements for any existing utilities until such time that they are abandoned and further subject to the reservation of a Permanent Easement for Ingress and Egress over a portion of the property:

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING THE WEST 60 FEET OF LOT 8, PROCTOR'S ADDITION, AN OFFICIAL PLAT, AND ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING SOUTH OF THE WESTERLY EXTENSION ON THE SOUTH LINE OF LOT 9 IN SAID PROCTOR'S ADDITION AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 8, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.12 ACRES (5,395 SQUARE FEET);

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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 grantee and for the consideration identified below, subject to reservation of easements therein, and further subject to the reservation of a Permanent Easement for Ingress and Egress over a portion of the conveyance:

Grantee: Diana L. Ancell  
Consideration: \$200.00

Legal Description: ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING THE WEST 60 FEET OF LOT 8, PROCTOR'S ADDITION, AN OFFICIAL PLAT, AND ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING SOUTH OF THE WESTERLY EXTENSION ON THE SOUTH LINE OF LOT 9 IN SAID PROCTOR'S ADDITION AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 8, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.12 ACRES (5,395 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 November 23, 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 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/94455567318?pwd=eS9USnErWTFpZkFLVERaRmlBYXB4Zz09>  
Passcode: 277478

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 833 548 0276 (Toll Free) or 877 853 5257  
(Toll Free)

Webinar ID: 944 5556 7318

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

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In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. November 19, 2020 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1<sup>st</sup> Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

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.

Moved by Boesen to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

*raw*

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

MOTION CARRIED 7 APPROVED  
J. M. Frankhu Cowme  
 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