



Roll Call Number

21-0094

Agenda Item Number

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Date January 25, 2021

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE EAST-WEST ALLEY RIGHT-OF-WAY LOCATED IN THE BLOCK BOUNDED BY 1ST STREET, OXFORD STREET, SHERIDAN AVENUE AND ARTHUR AVENUE, AND CONVEYANCE TO GLASER HOLDINGS, L.L.C. FOR \$3,600

WHEREAS, on November 23, 2020, by Roll Call No. 20-1872, 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 between East Sheridan Avenue and Arthur Avenue from 1st Street to Oxford Street, subject to the following conditions:

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the expense of the City’s successor in ownership of the vacated right-of-way.
2. Any outdoor storage associated with the industrial use of the vacated right-of-way shall be located in the side or rear yard and screened from view of any adjacent lots or street; and

WHEREAS, Glaser Holdings, L.L.C. has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$3,600.00 for the purchase of the vacated right-of-way (hereinafter “Property”), subject to the conditions set forth above and further subject to a no-build easement therein as well as an ingress/egress easement to allow continued access to the properties located at 138 Arthur Avenue, 144 Arthur Avenue and 154 Arthur Avenue, in order to assemble it with its adjoining commercial property, which price reflects the restricted fair market value of said 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 vacated and conveyed, subject to reservation of any existing utilities until such time that they are abandoned or relocated at the applicant’s expense, and subject to any outdoor storage associated with the industrial use of the vacated right-of-way be located in the side or rear yard and screened from view of any adjacent lots or street, and further subject to a no-build easement therein as well as an ingress/egress easement to allow continued access to the properties located at 138 Arthur Avenue, 144 Arthur Avenue and 154 Arthur Avenue, and the City will not be inconvenienced by the vacation and conveyance 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 between East Sheridan Avenue and Arthur Avenue from 1st Street to Oxford Street, legally described as follows, subject to the following:
 - a. Reservation of any existing utilities until such time that they are abandoned or relocated at the expense of the City’s successor in ownership of the vacated right-of-way.
 - b. Any outdoor storage associated with the industrial use of the vacated right-of-way shall be located in the side or rear yard and screened from view of any adjacent lots or street:



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THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 33 THROUGH 42, TWINING’S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.17 ACRES (7,200 SQUARE FEET);

2. The City Council of the City of Des Moines, Iowa further proposes to convey the vacated alley right-of-way, as legally described below, to Glaser Holdings, L.L.C. for \$3,600.00, subject to the following:
 - a. Reservation of any existing utilities until such time that they are abandoned or relocated at the expense of the City’s successor in ownership of the vacated right-of-way;
 - b. Any outdoor storage associated with the industrial use of the vacated right-of-way shall be located in the side or rear yard and screened from view of any adjacent lots or street;
 - c. Reservation of a permanent no-build easement upon, over and within the Property;
 - d. Reservation of a Permanent Easement for Vehicular Ingress and Egress over, through and across that portion of the Property located north of and adjoining 138 Arthur Avenue, 144 Arthur Avenue and 154 Arthur Avenue;

THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 33 THROUGH 42, TWINING’S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.17 ACRES (7,200 SQUARE FEET).

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such City property is to be considered shall be on February 8, 2021, 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 October 16, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak, and further given Section 109 of the Governor’s October 16, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, and further given 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 electronically and 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/89292260565?pwd=VWZrVlhpRkFwb01qUjlRcitrTIRKQT09>

Passcode: 616663

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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: 892 9226 0565

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. February 4, 2021 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email 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

psw

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

MOTION CARRIED

APPROVED

J. M. Fambro 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