



Roll Call Number

21-0458

Agenda Item Number

15

Date March 22, 2021

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF VACATED EAST/WEST ALLEY RIGHT-OF-WAY ADJOINING 200, 210 AND 216 EAST COURT AVENUE TO 217 E. SECOND, LC FOR \$38,665

WHEREAS, on March 1, 1993, by Roll Call No. 93-703, the City Council of the City of Des Moines, Iowa voted to approve the vacation of the east-west alley right-of-way located north of and adjoining Lots 5 through 10 and the vacated alley between Lots 7 and 8, Block H, Scott and Deans Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; and

WHEREAS, on May 22, 2017, by Roll Call No. 17-0900, the City Council of the City of Des Moines, Iowa voted to approve the sale of a portion of the vacated alley right-of-way adjoining 212 E. 3rd Street to H. Glass Partners, LLC; and

WHEREAS, 217 E. Second, LC, owner of 217 East Second Street, 200 East Court Avenue and 216 East Court Avenue, has offered to the City of Des Moines ("City") the purchase price of \$38,665 for the purchase of the remaining portion of the vacated east-west alley right-of-way adjoining its properties at 217 East Second Street, 200 East Court Avenue and 216 East Court Avenue (hereinafter "Property"), for assemblage and redevelopment of those properties, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated and further subject to a no-build easement, which price reflects the restricted fair market value of the City Property as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the Property proposed to be sold, and the City will not be inconvenienced by the sale of said Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

- 1. The City Council of the City of Des Moines, Iowa, proposes to sell a portion of vacated alley right-of-way adjoining 217 East Second Street, 200 East Court Avenue and 216 East Court Avenue, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: 217 E. Second, LC

Consideration: \$38,665

Legal Description: -EXCEPT THE NORTH HALF (1/2) OF THE VACATED SOUTHERN EAST/WEST ALLEY LYING SOUTH OF AND ADJOINING THE EAST 120.6 FEET OF LOT 11-, THE VACATED SOUTHERN EAST/WEST ALLEY, ALL IN BLOCK H, SCOTT AND DEAN'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 0.08 ACRES (3,515 SQUARE FEET).

Date March 22, 2021

2. 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 April 5, 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 February 5, 2021 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak, and further given Section 108 of the Governor's February 5, 2021 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/82012968607?pwd=emFUNWVKUVYzRzVsU0tRMVR6TkVPQT09>
Passcode: 853086

Or join by phone:

Dial:

US: +1 312 626 6799 or 877 853 5257 (Toll Free)

Webinar ID: 820 1296 8607

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. April 1, 2021 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

PJW

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

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