



21-1353

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Date August 23, 2021

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING 1106 SCOTT AVENUE AND CONVEYANCE TO DES MOINES CLIMATE CONTROLLED SELF STORAGE, LLC FOR \$9,280.00

WHEREAS, on June 28, 2021, by Roll Call No. 21-0966, 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 request Des Moines Climate Controlled Self Storage, LLC to vacate the north-south alley right-of-way located east of and adjoining 1106 Scott Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated, to allow the property to be assembled with adjoining property for purposes of commercial redevelopment; and

WHEREAS, Des Moines Climate Controlled Self Storage, LLC (“Buyer”), the owner of 1106 Scott Avenue, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$9,280.00 for the purchase of the north-south alley right-of-way located east of and adjoining 1106 Scott Avenue for incorporation into the adjoining property for commercial redevelopment, 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 a no-build easement, which easement will be included in the Quit Claim Deed from City to Buyer, which price reflects the restricted fair market value of the 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.

WHEREAS, on August 9, 2021, by Roll Call No. 21-1216, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the alley right-of-way be set for hearing on August 23, 2021, 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 alley right-of-way was given 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:



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1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the alley right-of-way, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the alley right-of-way located east of and adjoining 1106 Scott Avenue, Des Moines, Iowa, legally described as follows, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated, and said vacation is hereby approved:

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 6 AND 7, BLOCK 13, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.05 ACRES (2236 SQUARE FEET).

3. The proposed sale of such vacated alley right-of-way located east of and adjoining 1106 Scott Avenue, Des Moines, Iowa, as legally described below and to the grantee and for the consideration identified below, subject to reservation of easements therein, and further subject to a no-build easement, which easement will be included in the Quit Claim Deed from City to Buyer, and said conveyance is hereby approved:

Grantee: Des Moines Climate Controlled Self Storage, LLC

Consideration: \$9,280.00

Legal Description:

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 6 AND 7, BLOCK 13, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.05 ACRES (2236 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.

5. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.

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



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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 *Gatto* to adopt.

APPROVED AS TO FORM:

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

DM

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			
<u><i>J. M. Franklin Cowan</i></u> 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