



Roll Call Number

22-0691

Agenda Item Number

28

Date May 9, 2022

Page 1

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF EXCESS CITY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 1819 43RD STREET AND CONVEYANCE TO CYNTHIA S. DOLMAGE AND DENNIS D. DOLMAGE FOR \$150

WHEREAS, Cynthia S. Dolmage, owner of 1819 43rd Street, Des Moines, has requested the vacation and conveyance of a portion of the east-west alley right-of-way lying south of and adjoining their property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, which request was not presented to the City’s Plan and Zoning Commission for review and has instead been determined by the City Traffic Engineer to have no significant impact upon the public use of the right-of-way, in accordance with Municipal Code 102-286(b); and

WHEREAS, Cynthia S. Dolmage and Dennis D. Dolmage have offered to the City of Des Moines, Iowa (“City”) the purchase price of \$150.00 for the purchase of the portion of the east-west alley right-of-way lying south of and adjoining 1819 43rd Street for incorporation into their adjoining property for expanded rear yard, 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 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.

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 a portion of the east-west alley right-of-way lying south of and adjoining 1819 43rd Street, legally described as follows:

LOT B, HAZELWOOD, AN OFFICIAL PLAT, -EXCEPT THE SOUTH HALF (S 1/2) OF SAID LOT B LYING WEST OF THE NORTHERLY EXTENSION OF EAST LINE OF THE WEST HALF (W 1/2) OF LOT 13 IN FLEETWOOD, AN OFFICIAL PLAT-,

AND

ALL THAT PART OF LOT A IN SAID HAZELWOOD LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT B AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF SAID LOT B,



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ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,734 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated portion of the east-west alley right-of-way lying south of and adjoining 1819 43rd Street, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein, and further subject to a no-build easement:

Grantee: Cynthia S. Dolmage and Dennis D. Dolmage

Consideration: \$150.00

Legal Description:

LOT B, HAZELWOOD, AN OFFICIAL PLAT, -EXCEPT THE SOUTH HALF (S 1/2) OF SAID LOT B LYING WEST OF THE NORTHERLY EXTENSION OF EAST LINE OF THE WEST HALF (W 1/2) OF LOT 13 IN FLEETWOOD, AN OFFICIAL PLAT-

AND

ALL THAT PART OF LOT A IN SAID HAZELWOOD LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT B AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF SAID LOT B,

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,734 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 May 23, 2022, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

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. May 19, 2022 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the May 23, 2022 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

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.



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5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Boesen to adopt. Second by Gatto

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

04

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

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.

John Furbell

MAYOR PRO TEM

P. Kay Cmelik

City Clerk