



**Roll Call Number**

**Agenda Item Number**

22-0726

52

Page 1

**Date** May 9, 2022

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION AND CONVEYANCE OF CITY ALLEY IN THE BLOCK BOUNDED BY EAST SHAWNEE AVENUE ON THE NORTH, EAST MADISON AVENUE ON THE SOUTH, COLUMBIA STREET ON THE WEST AND BOWDOIN STREET ON THE EAST AS PART OF THE HAMILTON DRAIN STORM SEWER IMPROVEMENTS PROJECT**

**WHEREAS**, on July 15, 2019, by Roll Call No. 19-1087, the City Council of the City of Des Moines voted to authorize The Hamilton Drain Storm Sewer Improvements Project (hereinafter “Project”); and

**WHEREAS**, multiple encroachments on City property were discovered during the Project, the adjoining property owners have agreed to eliminate the encroachments by acquiring the portion of alley adjoining their properties; and

**WHEREAS**, the City Engineer, designee of the City Manager, requested the vacation and conveyance of City alley in the block bounded by East Shawnee Avenue on the north, East Madison Avenue on the south, Columbia Street on the west and Bowdoin Street on the east, (hereinafter “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**, there is no known current or future public need or benefit 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 April 18, 2022, by Roll Call No. 22-0597, 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 set for hearing on May 9, 2022, 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of City alley in the block bounded by East Shawnee Avenue on the north, East Madison Avenue on the south, Columbia Street on the west and Bowdoin Street on the east, as described herein, are hereby overruled and the hearing is closed.



**Roll Call Number**

22-0726

**Agenda Item Number**

52

**Date** May 9, 2022

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 alley right-of-way in the bounded by East Shawnee Avenue on the north, East Madison Avenue on the south, Columbia Street on the west and Bowdoin Street on the east legally described as follows, and said vacation is hereby approved, subject to reservation of easements therein:

THE 8 FEET WIDE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 1-12, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT,

AND

THE 8 FEET WIDE NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 13-24, BLOCK 6 OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT,

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.22 ACRES (9,600 SQUARE FEET).

3. The proposed sale of such vacated alley right-of-way, as legally described below and to the grantee and for the consideration identified below, subject to reservation of easements therein, and said conveyance is hereby approved:

Grantee: Jack Gene Wilson Jr.

Consideration: \$25.00

Legal Description: ALL OF LOT K LYING EAST OF AND ADJOINING LOT 24 AND LYING EAST AND ADJOINING THE NORTH 25 FEET OF LOT 23 OF BLOCK 6, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 600 SQUARE FEET.



**Roll Call Number**

220726

**Agenda Item Number**

52

**Date** May 9, 2022

Grantee: Norma J. Thierman

Consideration: \$25.00

Legal Description: ALL OF LOT K LYING EAST OF AND ADJOINING LOT 22 AND LYING EAST OF AND ADJOINING THE SOUTH 25 FEET OF LOT 23 OF BLOCK 6, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 600 SQUARE FEET.

Grantee: Henry A. Canizalez, and Sandra E. Canizales

Consideration: \$25.00

Legal Description: ALL OF LOT K LYING EAST OF AND ADJOINING LOT 21 AND LYING EAST AND ADJOINING THE NORTH 25 FEET OF LOT 20 OF BLOCK 6, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 600 SQUARE FEET.

Grantee: Lesly Elizabeth Canizales and Nelson Jeovany Diaz

Consideration: \$25.00

Legal Description: ALL OF LOT K LYING EAST OF AND ADJOINING LOT 19 AND LYING EAST OF AND ADJOINING THE SOUTH 25 FEET OF LOT 20 OF BLOCK 6, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 600 SQUARE FEET.

Grantee: Patricia Ann Rubino



**Roll Call Number**

22-0726

**Agenda Item Number**

52

**Date** May 9, 2022

Consideration: \$25.00

Legal Description: ALL OF LOT K LYING EAST OF AND ADJOINING LOT 18 AND LYING EAST AND ADJOINING THE NORTH 20 FEET OF LOT 17 OF BLOCK 6, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 560 SQUARE FEET.

Grantee: Ema Valdez Rodriguez and Martin Gavilan Morales

Consideration: \$25.00

Legal Description: ALL OF LOT K LYING EAST OF AND ADJOINING LOT 16 AND LYING EAST OF AND ADJOINING THE SOUTH 30 FEET OF LOT 17 OF BLOCK 6, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 640 SQUARE FEET.

Grantee: Steven Lake

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 1, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Shane C. Hass

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 2, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.



**Roll Call Number**

22-0726

**Agenda Item Number**

52

**Date** May 9, 2022

Grantee: Kent Lehs and Beverly Lehs

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 4, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Kawl L. Piang, and Nem Z. Ang

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 5, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Kenneth L. Schade and Carla K. Schade

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 6, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Clarence E. Renes

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 7, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.



**Roll Call Number**

22-0726

**Agenda Item Number**

52

**Date** May 9, 2022

Grantee: Joseph Zawistowski and Donna Zawistowski

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 8, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Amanda Kearns and Nicholas Kearns

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 9, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Tanya M. Kuhns

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 10, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Anna Hamilton, as Trustee of the Betty C. Hamilton Trust Agreement dated October 20, 2006

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 11, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

4. The Mayor is authorized and directed to sign the Offers to Purchase and Quit Claim Deeds for the conveyances as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.



**Roll Call Number**

22-0726

**Agenda Item Number**

52

**Date** May 9, 2022

5. Upon proof of payment of the consideration, the City Clerk is authorized and directed to forward the original of the Quit Claim Deeds, together with a certified copy of this resolution and of the affidavit of publication of the notice of this 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 Deeds, 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 Deeds and a copy of the other documents to the grantees.

8. Proceeds from this land sale will be returned to the Hamilton Drain Storm Sewer Improvements Project: Org – E304PW99.

Moved by Westergaard to adopt. Second by Boesen.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

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

**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.

MOTION CARRIED

APPROVED

John Fubelli

**MAYOR PRO TEM**

P. Kay Cmelik

City Clerk