

★ Roll Call Number

22-1408

Agenda Item Number

28

Date September 12, 2022

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF EAST-WEST ALLEY RIGHT-OF-WAY LOCATED WEST OF 29TH STREET BETWEEN BRATTLEBORO AVENUE AND UNIVERSITY AVENUE AND CONVEYANCE TO DRAKE UNIVERSITY FOR \$29,170

WHEREAS, on October 18, 2021, by Roll Call No. 21-1551, 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 from Drake University to vacate the east/west alley right-of-way within the block bounded by University Avenue on the north, 29th Street on the east, and Brattleboro Avenue on the south, (hereinafter "Property"), to allow the property to be assembled with adjacent parcels to the north and south in the vicinity of 2900 University Avenue for development purposes, subject to the reservation of any necessary easements for all existing utilities in place until abandoned or relocated at the applicant's expense; and

WHEREAS, Drake University, owner of all of the property adjoining the alley on the north and the south, has offered to the City of Des Moines ("City") the purchase price of \$29,170.00 for the purchase of the vacated alley right-of-way for assemblage with its adjoining 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 the reservation of no-build easement over a portion of the Property; which price reflects \$16,340.00 for the unencumbered portion of the Property and \$12,830.00 for the no-build restricted portion of the Property; which price reflects the 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. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the east/west alley right-of-way within the block bounded by University Avenue on the north, 29th Street on the east, and Brattleboro Avenue on the south, legally described as follows:

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 13 THROUGH 18, KINGMAN PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.10 ACRES (4,200 SQUARE FEET).

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2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated alley right-of-way within the block bounded by University Avenue on the north, 29th Street on the east, and Brattleboro Avenue on the south, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein and further subject to the reservation of no-build easement over a portion of the Property:

Grantee: Drake University
Consideration: \$29,170.00
Legal Description:

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 13 THROUGH 18, KINGMAN PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.10 ACRES (4,200 SQUARE FEET).

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on October 3, 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. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

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. September 29, 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 October 3, 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. 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.

5. 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. Second by Boesen.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL. Includes signature of J. M. Franke, Mayor.

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Laura Baumgartner (signature)

Laura Baumgartner, City Clerk