



**Roll Call Number**

22-1509

**Agenda Item Number**

18

Date October 3, 2022

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 1830 LINCOLN AVENUE AND CONVEYANCE TO KEVIN R. GISH FOR \$100.00**

**WHEREAS**, on September 12, 2022, by Roll Call No. 22-1403 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 the City of Des Moines, owner, to vacate the north-south alley right-of-way located west of and adjoining 1830 Lincoln Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

**WHEREAS**, Kevin R. Gish, owner of 1830 Lincoln Avenue, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$100.00 for the purchase of the vacated north-south alley right-of-way located west of and adjoining 1830 Lincoln Avenue (hereinafter “Property”) for incorporation into his adjoining property for expanded sideyard, subject to the reservation of easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the 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 the north-south alley right-of-way located west of and adjoining 1830 Lincoln Avenue, legally described as follows:

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 8, BLOCK 6, NORWOOD PARK ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT,  
AND  
ALL THAT PART OF LOT B, BURKHARDT HEIGHTS, AN OFFICIAL PLAT, LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 8,  
ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.03 ACRES (1,462 SQUARE FEET).

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated alley right-of-way located west of and adjoining 1830 Lincoln Avenue, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein:

Grantee: Kevin R. Gish  
Consideration: \$100.00



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Legal Description:

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 8, BLOCK 6, NORWOOD PARK ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT,

AND

ALL THAT PART OF LOT B, BURKHARDT HEIGHTS, AN OFFICIAL PLAT, LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 8, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.03 ACRES (1,462 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 24, 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. October 18, 2022 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

Please check the posted agenda in advance of the October 24, 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.

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

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

J. M. Frankin Cownie  
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  
Laura Baumgartner, City Clerk