

★ **Roll Call Number**

Agenda Item Number

23-0391

26

Date March 27, 2023

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PORTION OF VACATED ALLEY RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING 835 41ST STREET TO SARAH J. MCCURDY

WHEREAS, on November 21, 1935, the City Council of the City of Des Moines, Iowa passed Ordinance No. 4312 vacating all of the north-south alley right-of-way lying between 41st Street and 40th Place extending from Rollins Avenue to Center Street; and

WHEREAS, Section 2 of Ordinance No. 4312 states “That said alley or strip of ground above described shall revert to the abutting property owners, one half on each side of the center line thereof;” and

WHEREAS, the City of Des Moines Real Estate Division can find no evidence that a deed from the City to the owner of 835 41st Street was ever filed of record with the Office of the Polk County Recorder; and

WHEREAS, Sarah J. McCurdy, current owner of 835 41st Street, has asked the City of Des Moines (“City”) to approve and file of record a quit claim deed conveying to her the west seven (7) feet of the vacated north-south alley right-of-way lying east of and adjoining her property at 835 41st Street in order to correct the chain of title to her property, clear a legal title objection, and allow her to close on the sale of 835 41st Street; and

WHEREAS, there is no known current or future public need or benefit for the City Property proposed to be conveyed, and the City will not be inconvenienced by the conveyance of said Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council of the City of Des Moines, Iowa, proposes to convey a portion of the vacated north-south alley right-of-way lying between 41st Street and 40th Place extending from Rollins Avenue to Center Street, as legally described, to Sarah J. McCurdy, in order to correct the chain of title to the property, subject to a reservation of easements therein:

A PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BRYN MAWR HEIGHTS ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 7.0 FEET OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOT 9, ECKEL’S PLACE, AN OFFICIAL PLAT, AND CONTAINING APPROXIMATELY 292 SQUARE FEET.



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2. A public hearing shall be held on April 10, 2023, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

Please check the posted agenda in advance of the April 10, 2023 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.

3. 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.

4. There are no proceeds associated with his transaction.

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.

Handwritten signature of J. M. Franke, Mayor, and the word APPROVED.

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.

Handwritten signature of Laura Baumgartner, City Clerk.