



Roll Call Number

23-1425

Agenda Item Number

27

Date October 23, 2023

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING 611 AND 625 SOUTHEAST 10<sup>TH</sup> STREET AND CONVEYANCE TO THIKRA NOORI AL MAHDAWI AND SALAH ABDULRAZZAK ABDULWAHAB FOR \$200.00**

**WHEREAS**, on October 2, 2023, by Roll Call No. 23-1315, the City Council of the City of Des Moines, Iowa voted to receive and file the communication from the Plan and Zoning Commission recommending the approval of a request from Thikra Noori Al Mahdawi for vacation of approximately 160 lineal feet of the north/south alleyway located in the vicinity of 1013 Scott Avenue, and bounded by Shaw Street to the south, Southeast 11<sup>th</sup> Street to the east, and Southeast 10<sup>th</sup> Street to the west, subject to the following conditions:

1. Reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Reservation of an easement for access to the Polk County owned parcel #040/00033-000-000 from the adjoining public street network.
3. Provision of a no-build easement for the benefit of the existing garage on the property at 625 SE 10<sup>th</sup> Street unless the owner of that property purchases an adjoining segment of the alley that is large enough to satisfy Building Code separation requirements. Should that owner purchase a segment of the alley then it must be joined with their existing lot to the satisfaction of the Permit and Development Administrator; and

**WHEREAS**, the owner of 625 SE 10<sup>th</sup> Street did not respond to the City Real Estate Division’s offer to purchase the segment of the alley adjoining his property; and

**WHEREAS**, Thikra Noori Al Mahdawi and Salah Abdulrazzak Abdulwahab, the owners of 1013 Scott Avenue, Des Moines, Iowa, have offered to the City of Des Moines (“City”) the purchase price of \$200.00 for the purchase of the portion of vacated north-south alley right-of-way located south of and adjoining 1013 Scott Avenue, and east of and adjoining 611 and 625 Southeast 10<sup>th</sup> Street (hereinafter “Property”), for assemblage with their adjoining property, 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 reservation of an easement for access to the Polk County owned parcel #040/00033-000-000, and further subject to the reservation of a no-build easement; 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 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:

Date October 23, 2023

1. The City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating approximately 160 lineal feet of the north/south alleyway located east of and adjoining 611 and 625 Southeast 10<sup>th</sup> Street, Des Moines, Iowa, legally described as follows:

**-EXCEPT** THE NORTH 120 FEET-, ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 3, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 3,200 SQUARE FEET.

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

Grantee: Thikra Noori Al Mahdawi and Salah Abdulrazzak Abdulwahab

Consideration: \$200.00

Legal Description:

**-EXCEPT** THE NORTH 120 FEET-, ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 3, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 3,200 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 23, 2023, 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. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

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 Voss

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

J. M. Franklin 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