



Roll Call Number

23-1759

Agenda Item Number

27

Date December 18, 2023

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF AN L-SHAPED ALLEY RIGHT-OF-WAY LOCATED IN THE BLOCK BOUNDED BY KIRKWOOD AVENUE TO THE NORTH, LACONA AVENUE TO THE SOUTH, AND COURTLAND DRIVE TO THE EAST, AND CONVEYANCE TO VARIOUS ADJOINING PROPERTY OWNERS.**

**WHEREAS**, on October 2, 2023, by Roll Call No. 23-1316, 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 MMR Enterprises, LLC for vacation of an "L"-shaped alley right-of-way located in the vicinity of 2400 Courtland Drive, where the right-of-way is bounded by Kirkwood Avenue to the north and Courtland Drive to the east, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense; and

**WHEREAS**, Raul Dionicio Gomez, II, the owner of 722 Kirkwood Avenue, Des Moines, Iowa, has offered to the City of Des Moines ("City") the purchase price of \$275.00 for the purchase of the portion of vacated alley right-of-way located west of and adjoining 722 Kirkwood Avenue, and north of and adjoining Geoparcel 7824-16-254-019, for assemblage with his 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, which price reflects the fair market value of the City Property as determined by the City's Real Estate Division; and

**WHEREAS**, Win, LLC, the owner of 720 Kirkwood Avenue, Des Moines, Iowa, has offered to the City of Des Moines the purchase price of \$50.00 for the purchase of the portion of vacated east-west alley right-of-way located south of and adjoining 720 Kirkwood Avenue, for assemblage with its 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, which price reflects the fair market value of the City Property as determined by the City's Real Estate Division; and

**WHEREAS**, Cody Adams, the owner of 718 Kirkwood Avenue, Des Moines, Iowa, has offered to the City of Des Moines the purchase price of \$50.00 for the purchase of the portion of vacated east-west alley right-of-way located south of and adjoining 718 Kirkwood Avenue, for assemblage with his 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, which price reflects the fair market value of the City Property as determined by the City's Real Estate Division; and

**WHEREAS**, Teresa Colunga Vazquez, the owner of 708 Kirkwood Avenue, Des Moines, Iowa, has offered to the City of Des Moines the purchase price of \$50.00 for the purchase of the portion of vacated east-west alley right-of-way located south of and adjoining 708 Kirkwood Avenue, for assemblage with her 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, which price reflects the fair market value of the City Property as determined by the City's Real Estate Division; and



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**WHEREAS**, Marielena Gamboa Villa, the owner of 704 Kirkwood Avenue, Des Moines, Iowa, has offered to the City of Des Moines the purchase price of \$50.00 for the purchase of the portion of vacated east-west alley right-of-way located south of and adjoining 704 Kirkwood Avenue, for assemblage with her 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, which price reflects the fair market value of the City Property as determined by the City's Real Estate Division; and

**WHEREAS**, Michael Wright, the owner of 702 Kirkwood Avenue, Des Moines, Iowa, has offered to the City of Des Moines the purchase price of \$50.00 for the purchase of the portion of vacated east-west alley right-of-way located south of and adjoining 702 Kirkwood Avenue, for assemblage with his 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, which price reflects the fair market value of the City Property as determined by the City's Real Estate Division; and

**WHEREAS**, Colleen M. McClain, the owner of 608 Kirkwood Avenue, Des Moines, Iowa, has offered to the City of Des Moines the purchase price of \$100.00 for the purchase of the portion of vacated east-west alley right-of-way located south of and adjoining 608 Kirkwood Avenue and 700 Kirkwood Avenue, for assemblage with her 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, which price reflects the fair market value of the City Property as determined by the City's Real Estate Division; and

**WHEREAS**, Howard Huff, the owner of 725 Lacona Avenue, Des Moines, Iowa, has offered to the City of Des Moines the purchase price of \$125.00 for the purchase of the portion of vacated east-west alley right-of-way located north of and adjoining 725 Lacona Avenue, for assemblage with his 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, which price reflects the fair market value of the City Property as determined by the City's Real Estate Division; and

**WHEREAS**, MMR Enterprises, L.L.C., Mark Davis, Manager, the owner of 2400 Courtland Drive, Des Moines, Iowa, has offered to the City of Des Moines the purchase price of \$125.00 for the purchase of the portion of vacated east-west alley right-of-way located north of and adjoining 2400 Courtland Drive, for assemblage with its 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, 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 alley right-of-way.

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

1. The City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating an "L"-shaped alley right-of-way located in the vicinity of 2400 Courtland Drive, where the right-of-way is bounded by Kirkwood Avenue to the north and Courtland Drive to the east in Des Moines, Iowa, subject to the reservation of easements therein, legally described as follows:

ALL OF LOT D, AND ALL THAT PART OF LOT C LYING WEST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 4, IRVIN'S PLACE, AN OFFICIAL PLAT, SAID LOTS C AND D BEING A PART OF OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 8,514 SQUARE FEET.

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

Grantee: Raul Dionicio Gomez, II

Consideration: \$275.00

Legal Description:

ALL OF LOT D IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS, AND

ALL OF LOT C IN SAID OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS, LYING WEST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF THE WEST 264.00 FEET OF LOT 7 OF THE OFFICIAL PLAT OF SECTION 16, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., - EXCEPT ALL OF SAID LOT C LYING SOUTH OF AND ADJOINING LOTS 567 AND 586 OF SAID OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS-, AND

THE NORTH 5.00 FEET OF THE WEST 264.00 FEET OF SAID LOT 7, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 5,172 SQUARE FEET.

Grantee: Win, LLC

Consideration: \$50.00

Legal Description:

ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS LYING SOUTH OF AND ADJOINING SAID LOT 567, ALL NOW INCLUDED IN AND FORMING A PART



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OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 500 SQUARE FEET.

Grantee: Cody Adams

Consideration: \$50.00

Legal Description:

ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS LYING SOUTH OF AND ADJOINING SAID LOT 568, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 500 SQUARE FEET.

Grantee: Teresa Colunga Vazquez

Consideration: \$50.00

Legal Description:

ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS LYING SOUTH OF AND ADJOINING SAID LOT 571, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 500 SQUARE FEET.

Grantee: Marielena Gamboa Villa

Consideration: \$50.00

Legal Description:

ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS LYING SOUTH OF AND ADJOINING SAID LOT 572, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 500 SQUARE FEET.

Grantee: Michael Wright

Consideration: \$50.00

Legal Description:

ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS LYING SOUTH OF AND ADJOINING SAID LOT 573, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 500 SQUARE FEET.

Grantee: Colleen M. McClain

Consideration: \$100.00

Legal Description:

ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS LYING SOUTH OF AND ADJOINING SAID LOTS 574 AND 575, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES



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MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,000 SQUARE FEET.

Grantee: Howard Huff
Consideration: \$125.00
Legal Description:

ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS, LYING EAST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF THE WEST 264.00 FEET OF LOT 7 OF THE OFFICIAL PLAT OF SECTION 16, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. AND LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 570, AND THE NORTH 5.00 FEET OF SAID LOT 7 LYING EAST OF THE EAST LINE OF THE WEST 264.00 FEET OF SAID LOT 7 AND LYING WEST OF THE NORTHERLY EXTENSION OF THE MOST WESTERLY LINE OF LOT 4, IRVIN'S PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,339 SQUARE FEET.

Grantee: MMR Enterprises, L.L.C.
Consideration: \$125.00
Legal Description:

AREA A- ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS LYING BETWEEN THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 4, IRVIN'S PLACE, AN OFFICIAL PLAT, AND THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 576; AND

AREA B- THE NORTH 5.00 FEET OF LOT 7 OF THE OFFICIAL PLAT OF SECTION 16, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. LYING BETWEEN THE NORTHERLY EXTENSION OF THE MOST WESTERLY LINE OF SAID LOT 4 AND THE WEST LINE OF THE EAST 132.00 FEET OF SAID LOT 7, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,130 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 January 8, 2024, 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.

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5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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, COLEMAN, GATTO, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7).

MOTION CARRIED APPROVED
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