



Date January 8, 2024

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A DEAD-END SECTION OF ALLEY RIGHT-OF-WAY LOCATED IN THE BLOCK BOUNDED BY EAST OAK PARK AVENUE TO THE NORTH, EAST OVID AVENUE TO THE SOUTH AND YORK STREET TO THE EAST, AND CONVEYANCE TO ADJOINING PROPERTY OWNERS**

**WHEREAS**, the City of Des Moines, Iowa is the owner of certain dead-end segment of alley right-of-way extending west from York Street between East Oak Park Avenue and East Ovid Avenue; and

**WHEREAS**, several adjoining property owners have approached the City of Des Moines to ask that the alley right-of-way be vacated and conveyed to the adjoining owners; and

**WHEREAS**, Joel Stanger and Bradley Murray have indicated since the December 18, 2023 City Council meeting setting hearing that they are no longer interested in the portion of property to be conveyed to them; and

**WHEREAS**, Heather M. Johnson and Darryl A. Johnson, the owners of 1301 E. Oak Park Avenue, Des Moines, Iowa, have offered to the City of Des Moines (“City”) the purchase price of \$50.00 for the purchase of the portion of vacated alley right-of-way located south of and adjoining 1301 E. Oak Park Avenue 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, which price reflects the fair market value of the City Property as determined by the City’s Real Estate Division; and

**WHEREAS**, William B. Roberts and Carolyn J. Roberts, the owners of 1301 E. Oak Park Avenue, Des Moines, Iowa, have offered to the City of Des Moines (“City”) the purchase price of \$50.00 for the purchase of the portion of vacated alley right-of-way located south of and adjoining 1305 E. Oak Park Avenue, 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, which price reflects the fair market value of the City Property as determined by the City’s Real Estate Division; and

**WHEREAS**, Cheryl Evans-Pryor, the owner of 1305 E. Oak Park 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 1305 E. Oak Park 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**, Robert W. Connelly and Deanna R. Connelly, the owners of 1315 E. Oak Park Avenue, Des Moines, Iowa, have offered to the City of Des Moines (“City”) the purchase price of \$25.00 for the purchase of the portion of vacated alley right-of-way located south of and adjoining 1315 E. Oak Park Avenue, for assemblage with their adjoining property, subject to the reservation of any necessary

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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**, Teresita Garcia, the owner of 1312 E. Ovid Avenue, Des Moines, Iowa, has offered to the City of Des Moines the purchase price of \$25.00 for the purchase of the portion of vacated east-west alley right-of-way located north of and adjoining 1312 E. Ovid 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**, Jessica R. Norris, the owner of 3408 York Street, 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 north of and adjoining 3408 York Street, 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**, there is no known current or future public need 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.

**WHEREAS**, on December 18, 2023, by Roll Call No. 23-1760, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the alley right-of-way be set for hearing on January 8, 2024, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal to vacate and convey the alley right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the alley right-of-way, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of a dead-end segment of alley right-of-way extending west from York Street between East Oak Park Avenue and East Ovid Avenue, Des Moines,

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Iowa, legally described as follows, and said vacation is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated:

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 20 THROUGH 25, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 4,200 SQUARE FEET.

3. The proposed sale of portions of such vacated alley right-of-way, as legally described below, and to the grantees and for the consideration identified below, be and is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated:

Grantee: Heather M. Johnson and Darryl A. Johnson

Consideration: \$50.00

Legal Description:

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 20, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 700 SQUARE FEET.

Grantee: William B. Roberts and Carolyn J. Roberts

Consideration: \$50.00

Legal Description:

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 21, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 700 SQUARE FEET.

Grantee: Cheryl Evans-Pryor

Consideration: \$50.00

Legal Description:

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 22, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 700 SQUARE FEET.

Grantee: Robert W. Connelly and Deanna R. Connelly

Consideration: \$25.00

Legal Description:

THE NORTH HALF (N 1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 23, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN

OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 350 SQUARE FEET.

Grantee: Teresita Garcia

Consideration: \$25.00

Legal Description:

THE SOUTH HALF (S 1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 12, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 350 SQUARE FEET.

Grantee: Jessica R. Norris

Consideration: \$50.00

Legal Description:

THE SOUTH HALF (S 1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 10 AND 11, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 700 SQUARE FEET.

4. The Mayor is authorized and directed to sign the Offers to Purchase and Quit Claim Deeds for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon proof of payment of the consideration, plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim Deeds, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deeds, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deeds and copies of the other documents to the grantees.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

★ Roll Call Number

24-0059

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Moved by Westergaard to adopt. Second by Gatto

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	6			

MOTION CARRIED

APPROVED

Connie Boeser  
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