

24-0612

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Date April 15, 2024

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR ISSUANCE OF A REPLACEMENT QUIT CLAIM DEED CONVEYING VACATED ALLEY RIGHT-OF-WAY LOCATED AT 2814 7TH STREET TO COLD STORAGE REHAB, LLC

WHEREAS, on March 4, 1912, the City Council of the City of Des Moines, Iowa passed Ordinance No. 1903 vacating all of the alley right-of-way in the block bounded by New York Avenue and Corning Avenue and Seventh and Eighth Street, except the east 110 feet of the east-west alley (hereinafter "Property"); and

WHEREAS, at that same meeting on March 4, 1912, the City Council of the City of Des Moines, Iowa authorized and directed the Mayor, James R. Hanna, to execute a quit claim deed conveying to Consumers Ice Company, an Iowa corporation, all of the alley right-of-way vacated by Ordinance No. 1903; and

WHEREAS, no record exists of said deed being filed of record with the Polk County Recorder; and

WHEREAS, Cold Storage Rehab, LLC, successor in interest to Consumers Ice Company located at 2814 7th Street, has asked the City of Des Moines to issue a Replacement Quit Claim Deed conveying to them the vacated alley in the block bounded by New York Avenue and Corning Avenue and Seventh and Eighth Street in order to clear title to their property; and

WHEREAS, there is no known current or future public need for the Property proposed to be sold, and the City will not be inconvenienced by issuing a Replacement Quit Claim Deed conveying the Property to Cold Storage Rehab, LLC; and

WHEREAS, on April 1, 2024 by Roll Call No. 24-0491, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on April 15, 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 convey the Property was given to all necessary parties 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 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 conveyance of the vacated alley right-of-way in the block bounded by New York Avenue and Corning Avenue and Seventh and Eighth Street, except the east 110 feet of the east-west alley, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.

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2. There is no public need or benefit for the vacated alley right-of-way proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the vacated alley right-of-way in the block bounded by New York Avenue and Corning Avenue and Seventh and Eighth Street, except the east 110 feet of the east-west alley, Des Moines, Iowa, as legally described below, to Cold Storage Rehab, LLC, and said conveyance is hereby approved:

A PART OF THE NORTH/SOUTH AND EAST/WEST VACATED ALLEY RIGHT OF WAYS ADJOINING LOTS 205 THROUGH 210, MANN'S SECOND ADDITION TO LAKE PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 210; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 210, A DISTANCE OF 110 FEET TO THE POINT OF BEGINNING; THENCE NORTH ALONG A STRAIGHT LINE TO A POINT ON THE SOUTH LINE OF LOT 215 IN SAID MANN'S SECOND ADDITION TO LAKE PARK, SAID POINT BEING 60 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 215 AND SAID POINT BEING ON THE NORTH LINE OF SAID EAST/WEST VACATED ALLEY RIGHT OF WAY; THENCE WEST ALONG THE NORTH LINE OF SAID EAST/WEST VACATED ALLEY RIGHT OF WAY AND EXTENDED WESTERLY TO THE WEST LINE OF SAID NORTH/SOUTH VACATED ALLEY RIGHT OF WAY; THENCE SOUTH ALONG THE WEST LINE OF SAID NORTH/SOUTH VACATED ALLEY RIGHT OF WAY TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 205; THENCE EAST ALONG SAID WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 205 TO THE SOUTHWEST CORNER OF SAID LOT 205; THENCE NORTH ALONG THE WEST LINES OF LOTS 205 THROUGH 210 TO THE NORTHWEST CORNER OF SAID LOT 210; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 210 TO THE POINT OF BEGINNING. SAID AREA CONTAINING APPROXIMATELY 4,760 SQUARE FEET.

3. The Mayor is authorized and directed to sign the Replacement Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

4. The City Clerk is authorized and directed to forward the original of the Replacement Quit Claim Deed, 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.

5. The Real Estate Division Manager is authorized and directed to forward the original of the Replacement Quit Claim Deed, 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.

6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Replacement Quit Claim Deed and copies of the other documents to the grantee.

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7. There are no proceeds associated with this conveyance.

Moved by Westergaard to adopt. Second by Gatto

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, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, SIMONSON, and TOTAL. Includes signature of 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.
Signature of Laura Baumgartner, City Clerk