

★ **Roll Call Number**

25-0260

**Agenda Item Number**

20

**Date** February 24, 2025

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF  
VACATED ALLEY RIGHT-OF-WAY ADJOINING 926 40<sup>th</sup> PLACE AND  
925 41<sup>ST</sup> STREET TO CAPITAL HOMES II, L.L.C. D/B/A CUTLER  
CONSTRUCTION COMPANY AND CINDY L. FITCH AND PAUL E. FINCH**

**WHEREAS**, on October 6, 1986, by Roll Call No. 4760, the City Council of the City of Des Moines, Iowa passed Ordinance No. 10,877 vacating the north/south alley right-of-way lying east of and adjoining Lots 17 through 23, Campbell Place, including that portion of alley right-of-way lying west of and adjoining 926 40<sup>th</sup> Place and lying east of and adjoining 925 41<sup>st</sup> Street, subject to the reservation of easements for public utilities then in place with right of entry for servicing same; and

**WHEREAS**, Capital Homes II, L.L.C. d/b/a Cutler Construction Company has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$25.00 for the purchase of the east half of the vacated north/south alley right-of-way located west of and adjoining 926 40<sup>th</sup> Place, and Cindy L. Finch and Paul E. Finch have offered to the City the purchase price of \$25.00 for the west half of the vacated north/south alley right-of-way located east of and adjoining 925 41<sup>st</sup> Street (hereinafter collectively “Property”), for incorporation into their adjoining properties for expanded side yard, 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 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 sell the portions of alley right-of-way lying west of and adjoining 926 40<sup>th</sup> Place and east of and adjoining 925 41<sup>st</sup> Street, as legally described, to the grantees, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: Capital Homes II, L.L.C. d/b/a Cutler Construction Company

Consideration: \$25.00

Legal Description: THE EAST HALF (E 1/2) OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 31, CAMPBELL PLACE, 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: Cindy L. Finch and Paul E. Finch

Consideration: \$25.00

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Legal Description: THE WEST HALF (W 1/2) OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOT 18, CAMPBELL PLACE, 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.

- 2. A public hearing shall be held on March 10, 2025 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.
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. Non-project related land sale proceeds are used to support general operating budget expenses: Org - EG064090.

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

MOTION CARRIED APPROVED
[Signature] 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]
Laura Baumgartner, City Clerk