

★ **Roll Call Number**

25-0262

Agenda Item Number

22

Date February 24, 2025

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF APPROXIMATELY 180 FEET OF THE VACATED NORTH-SOUTH ALLEY RIGHT-OF-WAY EXTENDING SOUTH FROM CARPENTER AVENUE BETWEEN 24TH STREET AND 25TH STREET TO VALO DSM LLC FOR \$25,300, AND ACCEPTANCE OF A PERMANENT EASEMENT FOR PUBLIC INGRESS AND EGRESS

WHEREAS, on January 8, 2024, by Roll Call No. 24-0057, the City Council of the City of Des Moines, Iowa voted to approve the vacation of approximately 180 feet of the north-south alley right-of-way extending south from Carpenter Avenue between 24th Street and 25th Street and conveyance to Merge, LLC. for \$23,200, and acceptance of a Permanent Easement for Public Ingress and Egress; and

WHEREAS, on February 5, 2024, the City Council of the City of Des Moines, Iowa voted to approve and passed Ordinance No. 16,326 to vacate approximately 180 feet of the north-south alley right-of-way extending south from Carpenter Avenue between 24th Street and 25th Street; and

WHEREAS, Merge, LLC., an Iowa limited liability company, has sold the adjoining property to Valo DSM LLC, a Delaware limited liability company, prior to closing on the City property; and

WHEREAS, Valo DSM LLC, a Delaware limited liability company, the owners of 1220, 1222, and 1236 24th Street which adjoins said alley way, has offered to the City the purchase price of \$25,300.00 for the purchase of the vacated north-south alley right-of-way extending from Carpenter Avenue between 24th Street and 25th Street a distance of approximately 180 feet, 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 Valo DSM LLC conveying to the City of Des Moines a Permanent Easement for Public Ingress and Egress over and across a portion of its property extending one-way west from 24th Street, 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 sold, and the City will not be inconvenienced by the sale 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 vacated north-south alley right-of-way extending from Carpenter Avenue between 24th Street and 25th Street a distance of approximately 180 feet, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein, and further subject to Valo DSM LLC conveying to the City of Des Moines, a Permanent Easement for Public Ingress and Egress over and Across a portion of its property extending one-way west from 24th Street:

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Grantee: Valo DSM LLC
Consideration: \$25,300.00
Legal Description:

ALL THAT PORTION OF A 16 FOOT WIDE PUBLIC ALLEY RIGHT-OF-WAY ADJOINING LOTS 39, 40, 41, 58, 59 AND 60, ALL IN UNIVERSITY PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 58; THENCE S89°16'06"E, 16.13 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF CARPENTER AVENUE; THENCE S00°12'21"W, 179.54 FEET ALONG THE WEST LINE OF SAID LOTS 41, 40, AND 39; THENCE S89°24'36"W, 16.12 FEET TO THE SOUTHEAST CORNER OF SAID LOT 60; THENCE N00°12'10"E, 179.91 FEET ALONG THE EAST LINE OF SAID LOTS 60, 59 AND 58 TO THE POINT OF BEGINNING. INCLUDES 2,898 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa further proposes to accept from Valo DSM LLC a Permanent Easement for Public Ingress and Egress, legally described as follows:

THAT PART OF LOT 39 AND LOT 40, AND ALSO THAT PART OF THE 16 FOOT WIDE VACATED ALLEY, ADJACENT TO SAID LOTS, ALL IN UNIVERSITY PLACE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH 40 FEET OF SAID LOT 40; THENCE S00°10'23"W, 30.92 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF 24TH STREET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°10'23"W, 15.00 FEET ALONG THE SAID WEST RIGHT-OF-WAY LINE OF 24TH STREET; THENCE N89°51'07"W, 128.29 FEET; THENCE S00°12'10"W, 55.50 FEET; THENCE S89°24'36"W, 15.00 FEET TO THE SOUTHEAST CORNER OF LOT 60 OF SAID UNIVERSITY PLACE; THENCE N00°12'10"E, 70.70 FEET ALONG THE WEST LINE OF SAID VACATED ALLEY; THENCE S89°51'07"E, 143.28 FEET TO THE POINT OF BEGINNING. INCLUDES 2,983 SQUARE FEET.

3. 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.

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 Voss.

APPROVED AS TO FORM:

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

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| BOESEN | ✓ | | | |
| SIMONSON | ✓ | | | |
| VOSS | ✓ | | | |
| COLEMAN | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| MANDELBAUM | ✓ | | | |
| GATTO | ✓ | | | |
| TOTAL | 7 | | | |

MOTION CARRIED APPROVED
Connie Breen 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