



**Roll Call Number**

26-0237

**Agenda Item Number**

20

Date February 23, 2016

**SET HEARING FOR VACATION OF THE EAST/WEST ALLEY RIGHT-OF-WAY  
ADJOINING 1541 8<sup>TH</sup> STREET AND CONVEYANCE TO THE DES MOINES  
INDEPENDENT COMMUNITY SCHOOL DISTRICT**

**WHEREAS**, Des Moines Independent Community School District (“DMICSD”), the owner of 1541 8<sup>th</sup> Street, Des Moines, Iowa, has requested that the City of Des Moines, Iowa (“City”) vacate the east/west alley right-of-way lying south of and adjoining 1541 8<sup>th</sup> Street (hereinafter “Property”), which request was not presented to the City’s Plan and Zoning Commission for review and has instead been determined by the City Traffic Engineer to have no significant impact upon the public use of the right-of-way, in accordance with Municipal Code 102-286(b); and

**WHEREAS**, DMICSD has agreed to acquire the vacated alley right-of-way for no consideration in accordance with Iowa Code Section 364.7(3) for the public purpose of redevelopment of Moulton Elementary School, subject to reservation of any necessary easements for all existing utilities in place until abandoned or relocated at the applicant’s expense; and

**WHEREAS**, there is no known current or future public need for the alley right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation and the conveyance of said Property.

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

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating the east/west alley right-of-way lying south of and adjoining 1541 8<sup>th</sup> Street, Des Moines, Iowa, more specifically described as follows:

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 26 AND 41 AND LYING SOUTH OF AND ADJOINING THE VACATED NORTH/SOUTH ALLEY LYING BETWEEN SAID LOTS 26 AND 41, ALL IN FINK’S ADDITION TO NORTH DES MOINES PLAT NO.2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 2,227 SQUARE FEET.

2. That, if the City Council first decides to vacate the above described right-of-way, the City of Des Moines proposes to convey such vacated right-of-way, as legally described below, to the Des Moines Independent Community School District for no consideration and in accordance with Iowa Code Section 364.7(3) for the public purpose of redevelopment of Moulton Elementary School, subject to reservation of easements therein:

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 26 AND 41 AND LYING SOUTH OF AND ADJOINING THE



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- 3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such alley right-of-way is to be considered shall be on March 9, 2026, said meeting to be held at 5:00 p.m., in the City Council Chamber, T.M. Franklin Cownie City Administration Building, 1200 Locust Street, Des Moines, Iowa.
- 4. That the City Clerk is hereby authorized and directed to publish notice of said proposals in the form hereto attached, all in accordance with §362.3 of the Iowa Code.
- 5. There will be no proceeds associated with the conveyance of this property.

Moved by Gatto to adopt. Second by Voss

**APPROVED AS TO FORM:**

/s/ Grant Hyland  
Grant Hyland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
BARRON	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED APPROVED

Connie Boesen 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