



Roll Call Number

26-0458

Agenda Item Number

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Date April 6, 2026

HOLD HEARING FOR CONVEYANCE OF VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY ADJOINING 1450, 1444, AND 1442 2ND PLACE TO NATASHA ZAGAR, JAVIER A. SERVELLON INGLES, AND USA PROPERTIES LLC FOR \$125

WHEREAS, on December 18, 2017, by Roll Call No. 17-2189, the City Council of the City of Des Moines, Iowa passed Ordinance No. 15,637 vacating the east-west and north-south portions of undeveloped alley in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street, in the vicinity of 335 Forest Avenue, including that portion lying west of and adjoining 1450, 1444, and 1442 2nd Place, subject to the reservation of easements for continued use and maintenance of any utilities then in place with right of entry for servicing same; and

WHEREAS, Natasha Zagar, owner of 1450 2nd Place, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$50.00 for the purchase of the portion of alley right-of-way adjoining her property at 1450 2nd Place; and Javier A. Servellon Ingles, owner of 1444 2nd Place, has offered to the City the purchase price of \$25.00 for the purchase of the portion of alley right-of-way adjoining his property at 1444 2nd Place; and USA Properties LLC, owner of 1442 2nd Place, has offered to the City the purchase price of \$50.00 for the purchase of the portion of alley right-of-way adjoining their property at 1442 2nd Place (hereinafter collectively “Property”), for incorporation into their respective residential properties, 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 Property proposed to be sold, and the City will not be inconvenienced by the sale and conveyance of said Property; and

WHEREAS, on March 23, 2026 by Roll Call No. 26-0368, 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 6, 2026, at 5:00 p.m., in the City Council Chamber, T.M. Franklin Cownie City Administration Building, 1200 Locust Street, 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:



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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, as described below, are hereby overruled and the hearing is closed.

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 north/south alley right-of-way located west of and adjoining 1450, 1444, and 1442 2nd Place, Des Moines, Iowa, as legally described, to the grantees, and for the consideration identified below, subject to a reservation of easements therein and said conveyance is hereby approved:

Grantee: Natasha Zagar

Consideration: \$50.00

Legal Description: ALL OF THE VACATED 7.50 FEET WIDE NORTH/SOUTH ALLEY RIGHT OF WAY IN BATES' SECOND ADDITION, AN OFFICIAL PLAT, LYING EAST OF AND ADJOINING LOT 85 OF SAID BATES' SECOND ADDITION; AND ALL OF LOT "A" LYING WEST OF AND ADJOINING LOT 61, ALL IN MARSHALL'S SECOND ADDITION, 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: Javier A. Servellon Ingles

Consideration: \$25.00

Legal Description: ALL OF THE 7.50 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BATES' SECOND ADDITION, AN OFFICIAL PLAT, LYING EAST OF AND ADJOINING LOT 84 OF SAID BATES' SECOND ADDITION, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 375 SQUARE FEET.

Grantee: USA Properties LLC

Consideration: \$50.00

Legal Description: ALL OF THE VACATED 7.50 FEET WIDE NORTH/SOUTH ALLEY RIGHT OF WAY IN BATES' SECOND ADDITION, AN OFFICIAL PLAT, LYING EAST OF AND ADJOINING LOT 83 OF SAID BATES' SECOND ADDITION; AND ALL OF LOT "A" LYING WEST OF AND ADJOINING LOT 63, ALL IN MARSHALL'S SECOND ADDITION, 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.

3. The Mayor is authorized and directed to sign the Offers to Purchase and Quit Claim Deeds for the conveyances as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.



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- 4. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.
- 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

Moved by Barron to adopt. Second by Simonson

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		
<u>Connie Boesen</u>		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 City Clerk