



Roll Call Number

25-0367

Agenda Item Number

35

Date March 10, 2025

**HOLD 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 24<sup>TH</sup> STREET AND 25<sup>TH</sup> 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 24<sup>th</sup> Street and 25<sup>th</sup> 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 24<sup>th</sup> Street and 25<sup>th</sup> 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, and now the owners of 1220, 1222, and 1236 24<sup>th</sup> 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 24<sup>th</sup> Street and 25<sup>th</sup> 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 24<sup>th</sup> 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 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 February 24, 2025 by Roll Call No. 25-0262, 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 March 10, 2025, 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.



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**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 north-south alley right-of-way extending from Carpenter Avenue between 24<sup>th</sup> Street and 25<sup>th</sup> Street a distance of approximately 180 feet, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess City-owned property 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 extending from Carpenter Avenue between 24<sup>th</sup> Street and 25<sup>th</sup> Street a distance of approximately 180 feet, Des Moines, Iowa, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein and said conveyance is hereby approved:

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.

3. The City Council of the City of Des Moines, Iowa, that the following documents conveying a Permanent Easement for Public Ingress and Egress interest to the City, recommended for approval and acceptance by the Real Estate Division of the Engineering Department and on file in the office of the City Clerk, be and are hereby approved and accepted as follows:

Property Owner: Valo DSM LLC  
 Property Location: Near 1220 24<sup>th</sup> Street, Des Moines, IA  
 Document Type: Permanent Easement  
 Legal Description:



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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.

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized to and directed to attest to the Mayor's signature and sign the Permanent Easement for Public Ingress and Egress.
5. 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.
6. 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 Permanent Easement for Public Ingress and Egress and 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.
7. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Easement for Public Ingress and Egress and 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.
8. 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 Deed and copies of the other documents to the grantee.
9. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.



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Moved by Coleman to adopt. Second by Gatto.

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.

MOTION CARRIED APPROVED
Connie Bauer 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