



Roll Call Number

25-0523

Agenda Item Number

44

Date April 7, 2025

Page 1

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LOCATED IN THE BLOCK BOUNDED BY SE 5TH STREET TO THE WEST, PIONEER ROAD TO THE SOUTH, AND HARTFORD AVENUE TO THE NORTH AND CONVEYANCE TO ADJOINING PROPERTY OWNERS FOR \$150.00

WHEREAS, on November 18, 2024, by Roll Call No. 24-1564, the City Council of the City of Des Moines, Iowa voted to receive and file the recommendation from the City Plan and Zoning Commission that the southernmost 132 lineal feet of a north/south alley right-of-way in the vicinity of 2114 SE 6th Street, which is within the block bounded by Pioneer Road to the south and Hartford Avenue to the north ("City Right-of-Way"), hereinafter more fully described, be vacated, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated at no cost to the City; and

WHEREAS, Robert N. Armagost, Jr. and Roberta Leann Armagost, owners of 2114 SE 6th Street, have offered to the City of Des Moines ("City") the purchase price of \$25.00 for the vacation and purchase of the portion of alley right-of-way adjoining their property at 2114 SE 6th Street; and Pae Pi and Hser K. Htoo, owners of 2103 and 2105 SE 5th Street, have offered to the City the purchase price of \$75.00 for vacation and purchase of the portion of alley right-of-way adjoining their property at 2103 and 2105 SE 5th Street; and Deborah K. Steffens and Kenneth Steffens, owners of 2110 SE 6th Street have offered to the City the purchase price of \$25.00 for vacation and purchase of the portion of alley right-of-way adjoining their property at 2110 SE 6th Street; and Guidner Properties LLC, owner of 2116 SE 6th Street, has offered to the City the purchase price of \$25.00 for vacation and purchase of the portion of alley right-of-way adjoining its property at 2116 SE 6th Street, for incorporation into their respective residential properties, which price reflects the fair market value of the City Right-of-Way as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the City Right-of-Way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said property; and

WHEREAS, on March 24, 2025, by Roll Call No. 0431, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the City Right-of-Way be set for hearing on April 7, 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 vacate and convey the City Right-of-Way was given 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 vacation and 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 vacation and conveyance of the City Right-of-Way, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the City Right-of-Way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the southernmost 132 lineal feet of a north/south alley right-of-way in the vicinity of 2114 SE 6th Street, Des Moines, Iowa, legally described as follows, and said vacation is hereby approved:

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 17 THROUGH 22, VAN GINKEL ADDITION TO SEVASTOPOL, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 2,112 SQUARE FEET.

3. The proposed sale of such vacated alley right-of-way, as legally described, and to the grantees and consideration identified below, together with payment by said grantee of the estimated publication and recording costs for this transaction, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated is hereby approved:

Grantee: Robert N. Armagost, Jr. and Roberta Leann Armagost
 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 LOTS 19 AND 20, VAN GINKEL ADDITION TO SEVASTOPOL, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 352 SQUARE FEET.

Grantee: Pae Pi and Hser K. Htoo
 Consideration: \$75.00

Legal Description:
 THE WEST HALF (W 1/2) OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 23 THROUGH 26, VAN GINKEL ADDITION TO SEVASTOPOL, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,056 SQUARE FEET

Grantee: Deborah K. Steffens and Kenneth Steffens
 Consideration: \$25.00

Date April 7, 2025

Legal Description:

THE EAST HALF (E 1/2) OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 17 AND 18, VAN GINKEL ADDITION TO SEVASTOPOL, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 352 SQUARE FEET.

Grantee: Guidner Properties LLC

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 LOTS 21 AND 22, VAN GINKEL ADDITION TO SEVASTOPOL, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 352 SQUARE FEET.

4. 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.
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.



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25-0523

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44

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Page 4

Moved by Gatto to adopt. Second by Voss.

APPROVED AS TO FORM:

/s/ Grant Hyland
Grant Hyland, 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
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
Laura Baumgartner, City Clerk