

Date February 8, 2021

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE EAST-WEST ALLEY RIGHT-OF-WAY LOCATED IN THE BLOCK BOUNDED BY 1ST STREET, OXFORD STREET, SHERIDAN AVENUE AND ARTHUR AVENUE, AND CONVEYANCE TO GLASER HOLDINGS, L.L.C. FOR \$3,600

WHEREAS, on November 23, 2020, by Roll Call No. 20-1872, the City Council of the City of Des Moines, Iowa, voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a City-initiated request to vacate the east/west alley between East Sheridan Avenue and Arthur Avenue from 1st Street to Oxford Street, subject to the following conditions:

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the expense of the City’s successor in ownership of the vacated right-of-way.
2. Any outdoor storage associated with the industrial use of the vacated right-of-way shall be located in the side or rear yard and screened from view of any adjacent lots or street; and

WHEREAS, Glaser Holdings, L.L.C. has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$3,600.00 for the purchase of the vacated right-of-way (hereinafter “Property”), subject to the conditions set forth above and further subject to a no-build easement therein as well as an ingress/egress easement to allow continued access to the properties located at 138 Arthur Avenue, 144 Arthur Avenue and 154 Arthur Avenue, in order to assemble it with its adjoining commercial property, which price reflects the restricted fair market value of said property as determined by the City’s Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be vacated and conveyed, subject to reservation of any existing utilities until such time that they are abandoned or relocated at the applicant’s expense, and subject to any outdoor storage associated with the industrial use of the vacated right-of-way be located in the side or rear yard and screened from view of any adjacent lots or street, and further subject to a no-build easement therein as well as an ingress/egress easement to allow continued access to the properties located at 138 Arthur Avenue, 144 Arthur Avenue and 154 Arthur Avenue, and the City will not be inconvenienced by the vacation and conveyance of said Property; and

WHEREAS, on January 25, 2021, by Roll Call No. 21-0094, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the alley right-of-way be set for hearing on February 8, 2021, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa, and given Mayor Cownie’s March 17, 2020 Proclamation, as amended prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor’s October 16, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, and the City Manager’s decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic and telephonic public access to the meeting location; and

WHEREAS, due notice of said proposal to vacate and convey the alley right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal, including how to participate

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electronically and telephonically; 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.

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 alley right-of-way as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the east/west alley between East Sheridan Avenue and Arthur Avenue from 1st Street to Oxford Street, legally described as follows, subject to the following:
 - a. Reservation of any existing utilities until such time that they are abandoned or relocated at the expense of the City's successor in ownership of the vacated right-of-way.
 - b. Any outdoor storage associated with the industrial use of the vacated right-of-way shall be located in the side or rear yard and screened from view of any adjacent lots or street; and said vacation is hereby approved:

THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 33 THROUGH 42, TWINING'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.17 ACRES (7,200 SQUARE FEET).

3. The proposed sale of such vacated alley right-of-way, as legally described below, to Glaser Holdings, L.L.C. for \$3,600.00, subject to the following:
 - a. Reservation of any existing utilities until such time that they are abandoned or relocated at the expense of the City's successor in ownership of the vacated right-of-way;
 - b. Any outdoor storage associated with the industrial use of the vacated right-of-way shall be located in the side or rear yard and screened from view of any adjacent lots or street;
 - c. Reservation of a permanent no-build easement upon, over and within the Property;
 - d. Reservation of a Permanent Easement for Vehicular Ingress and Egress over, through and across that portion of the Property located north of and adjoining 138 Arthur Avenue, 144 Arthur Avenue and 154 Arthur Avenue; and said conveyance is hereby approved:


THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 33 THROUGH 42, TWINING'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.17 ACRES (7,200 SQUARE FEET).

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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 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 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.
6. The Real Estate Division Manager is authorized and directed to forward the original of the 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.
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 Deed and a copy of the other documents to the grantee.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Lisa A. Wieland, Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

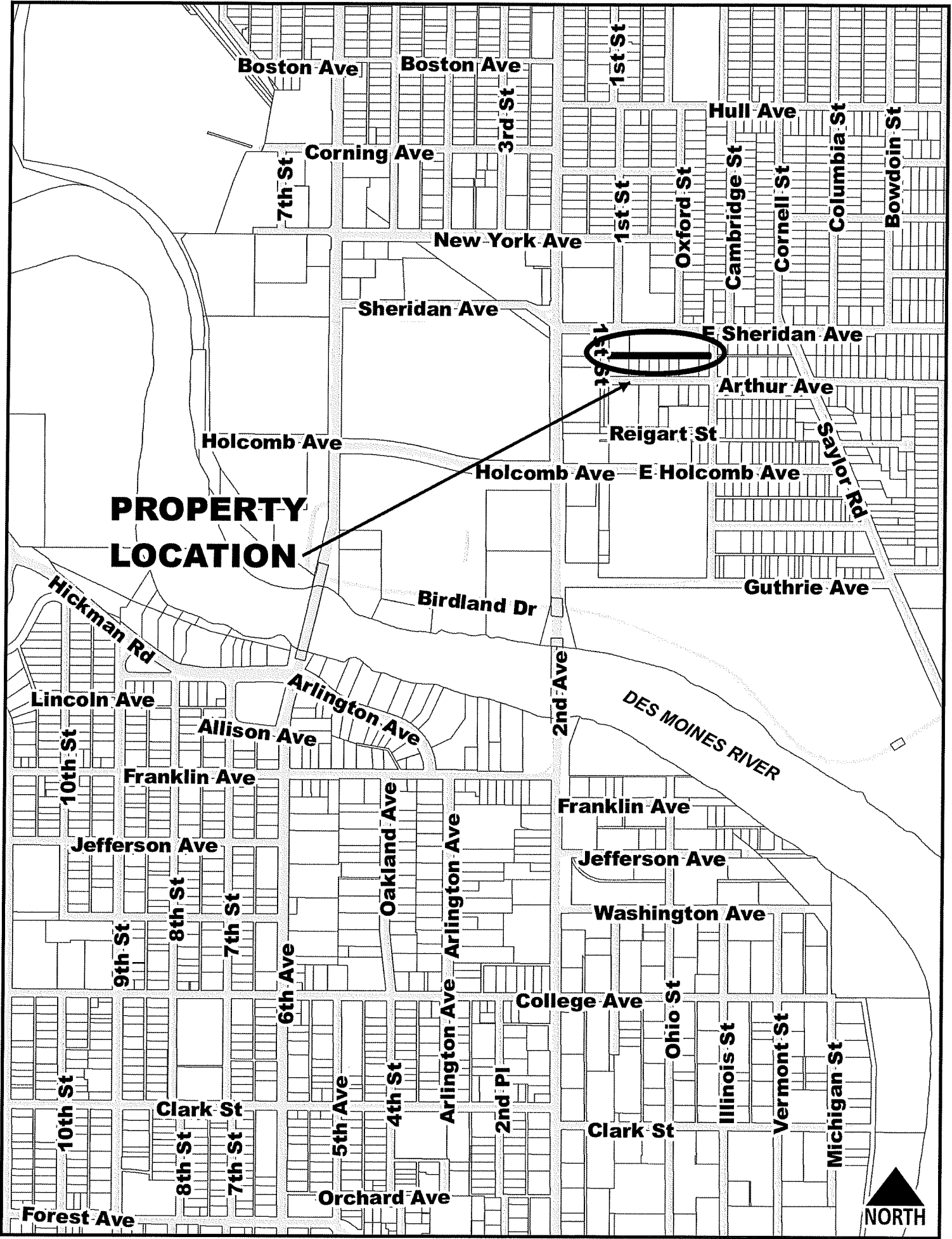
I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

 Mayor

 City Clerk



**PROPERTY
LOCATION**

