

Date April 18, 2022

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION AND CONVEYANCE OF CITY ALLEY IN THE BLOCK BOUNDED BY EAST SHAWNEE AVENUE ON THE NORTH, EAST MADISON AVENUE ON THE SOUTH, COLUMBIA STREET ON THE WEST AND BOWDOIN STREET ON THE EAST AS PART OF THE HAMILTON DRAIN STORM SEWER IMPROVEMENTS PROJECT

WHEREAS, on July 15, 2019, by Roll Call No. 19-1087, the City Council of the City of Des Moines voted to authorize The Hamilton Drain Storm Sewer Improvements Project (hereinafter “Project”); and

WHEREAS, multiple encroachments on City property were discovered during the Project, the adjoining property owners have agreed to eliminate the encroachments by acquiring the portion of alley adjoining their properties; and

WHEREAS, the City Engineer, designee of the City Manager, requested the vacation and conveyance of City alley in the block bounded by East Shawnee Avenue on the north, East Madison Avenue on the south, Columbia Street on the west and Bowdoin Street on the east, (hereinafter “Property”) subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, 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, there is no known current or future public need or benefit for the alley right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the City alley in the block bounded by East Shawnee Avenue on the north, East Madison Avenue on the south, Columbia Street on the west and Bowdoin Street on the east legally described as follows:

THE 8 FEET WIDE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 1-12, BLOCK 6, MORNINGSTAR’S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT,

AND

THE 8 FEET WIDE NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 13-24, BLOCK 6 OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT,

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ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.22 ACRES (9,600 SQUARE FEET).

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated City alley in the block bounded by East Shawnee Avenue on the north, East Madison Avenue on the south, Columbia Street on the west and Bowdoin Street on the east, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

Grantee: Jack Gene Wilson Jr.

Consideration: \$25.00

Legal Description: ALL OF LOT K LYING EAST OF AND ADJOINING LOT 24 AND LYING EAST AND ADJOINING THE NORTH 25 FEET OF LOT 23 OF BLOCK 6, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 600 SQUARE FEET.

Grantee: Norma J. Thierman

Consideration: \$25.00

Legal Description: ALL OF LOT K LYING EAST OF AND ADJOINING LOT 22 AND LYING EAST OF AND ADJOINING THE SOUTH 25 FEET OF LOT 23 OF BLOCK 6, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 600 SQUARE FEET.

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Grantee: Henry A. Canizalez, and Sandra E. Canizales

Consideration: \$25.00

Legal Description: ALL OF LOT K LYING EAST OF AND ADJOINING LOT 21 AND LYING EAST AND ADJOINING THE NORTH 25 FEET OF LOT 20 OF BLOCK 6, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 600 SQUARE FEET.

Grantee: Lesly Elizabeth Canizales and Nelson Jeovany Diaz

Consideration: \$25.00

Legal Description: ALL OF LOT K LYING EAST OF AND ADJOINING LOT 19 AND LYING EAST OF AND ADJOINING THE SOUTH 25 FEET OF LOT 20 OF BLOCK 6, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 600 SQUARE FEET.

Grantee: Patricia Ann Rubino

Consideration: \$25.00

Legal Description: ALL OF LOT K LYING EAST OF AND ADJOINING LOT 18 AND LYING EAST AND ADJOINING THE NORTH 20 FEET OF LOT 17 OF BLOCK 6, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF THEREOF), AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 560 SQUARE FEET.

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Grantee: Kawl L. Piang and Nem Z. Ang

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 5, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Kenneth L. Schade and Carla K. Schade

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 6, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Clarence E. Renes

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 7, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Joseph Zawistowski and Donna Zawistowski

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 8, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

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Grantee: Amanda Kearns and Nicholas Kearns

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 9, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Tanya M. Kuhns

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 10, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Anna Hamilton, as Trustee of the Betty C. Hamilton Trust Agreement dated October 20, 2006

Consideration: \$25.00

Legal Description: THE 8 FEET WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 11, BLOCK 6, MORNINGSTAR'S ADDITION TO THE CITY OF DES MOINES, FIRST PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on May 9, 2022, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. May 5, 2022 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the May 9, 2022 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

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4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

5. Proceeds from this land sale will be returned to the Hamilton Drain Storm Sewer Improvements Project: Org – E304PW99.

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
 Lisa A. Wieland, Assistant City Attorney

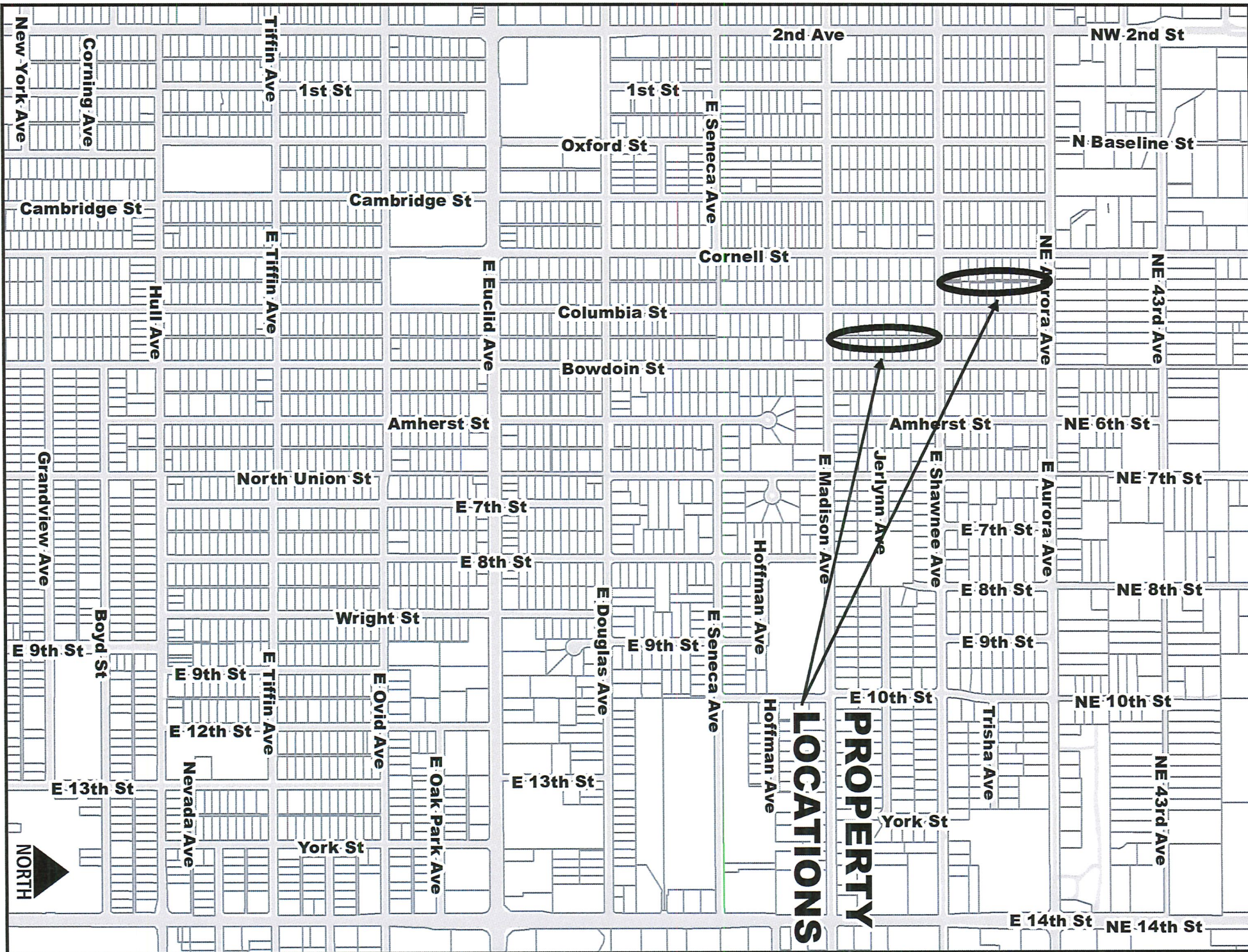
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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.

_____ City Clerk



LOCATIONS
PROPERTY