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Date April 18, 2022

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

WHEREAS, on January 20, 1992, by Roll Call No. 92-184, the City Council of the City of Des Moines voted to approve Ordinance No. 11,768 vacating City alley in the block bounded by East Aurora Avenue on the north, East Shawnee Avenue on the south, Cornell Street on the west and Columbia Street on the east (Property”), as legally described below, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated; and

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 vacated alley adjoining their properties; and

WHEREAS, there is no known current or future public need or benefit for the City Property proposed to be sold, and the City will not be inconvenienced by the sale of said Property.

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

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

Grantee: Genea C. Moore

Consideration: \$25.00

Legal Description: THE WEST HALF (W 1/2) OF THE SOUTH 50 FEET OF THE NORTH 335.4 FEET OF LOT B, BLOCK 4 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, 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: Harry L. Garrison, Jr.

Consideration: \$50.00

Legal Description: ALL OF LOT B LYING WEST OF AND ADJOINING LOT 1 OF BLOCK 4, 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 808 SQUARE FEET.

Grantee: Chester L. Briley and Susan M. Briley

Consideration: \$50.00

Legal Description: ALL OF LOT B LYING WEST OF AND ADJOINING LOT 2 OF BLOCK 4, 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 800 SQUARE FEET.

Grantee: Cormic A. McNamara

Consideration: \$25.00

Legal Description: THE WEST HALF (W 1/2) OF LOT B LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 3 AND LYING NORTH OF THE SOUTH LINE OF THE NORTH 185.4 FEET OF SAID LOT B, ALL IN BLOCK 4 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, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 439 SQUARE FEET.

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Grantee: Kendall Roth and Joshua Roth

Consideration: \$25.00

Legal Description: THE EAST HALF (E 1/2) OF LOT B LYING WEST OF AND ADJOINING LOT 12 OF BLOCK 4, 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 400 SQUARE FEET.

2. A public hearing shall be held on May 9, 2022, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

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.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

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

 **Roll Call Number**

Agenda Item Number

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Date April 18, 2022

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	

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.

Mayor

City Clerk

