

Date June 27, 2022

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF ALLEY
RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 2601 EAST MARKET
STREET AND CONVEYANCE TO DEANNA C. CAMPFIELD FOR \$200**

WHEREAS, on May 19, 2022, the Plan and Zoning Commission of the City of Des Moines, Iowa, voted to recommend approval of the request to vacate the east-west alley right-of-way located south of and adjoining 2601 East Market Street, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, Deanna C. Campfield, the owner of 2601 East Market Street, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$200.00 for the purchase of the east-west alley right-of-way located south of and adjoining 2601 East Market Street (hereinafter “Property”) for incorporation into her adjoining property for expanded rear yard, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of the alley 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 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.

WHEREAS, on June 13, 2022, by Roll Call No. 22-0873, 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 June 27, 2022, 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 alley 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.

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 right-of-way located south of and adjoining 2601 East Market Street, legally described as follows, and said vacation is hereby approved:

Date June 27, 2022

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 4, 5 AND 6, BLOCK 3, ESHBAUGHS AND WESTS ADDITION TO THE TOWN OF CHESTERFIELD, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.06 ACRES (2,436 SQUARE FEET).

3. The proposed sale of such vacated alley right-of-way, as legally described below and to the grantee and for the consideration identified below, subject to reservation of easements therein, and said conveyance is hereby approved:

Grantee: Deanna C. Campfield

Consideration: \$200.00

Legal Description:

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 4, 5 AND 6, BLOCK 3, ESHBAUGHS AND WESTS ADDITION TO THE TOWN OF CHESTERFIELD, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.06 ACRES (2,436 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 and directed to attest to the Mayor's signature.

5. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.

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.

Date June 27, 2022

8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

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

MOTION CARRIED APPROVED

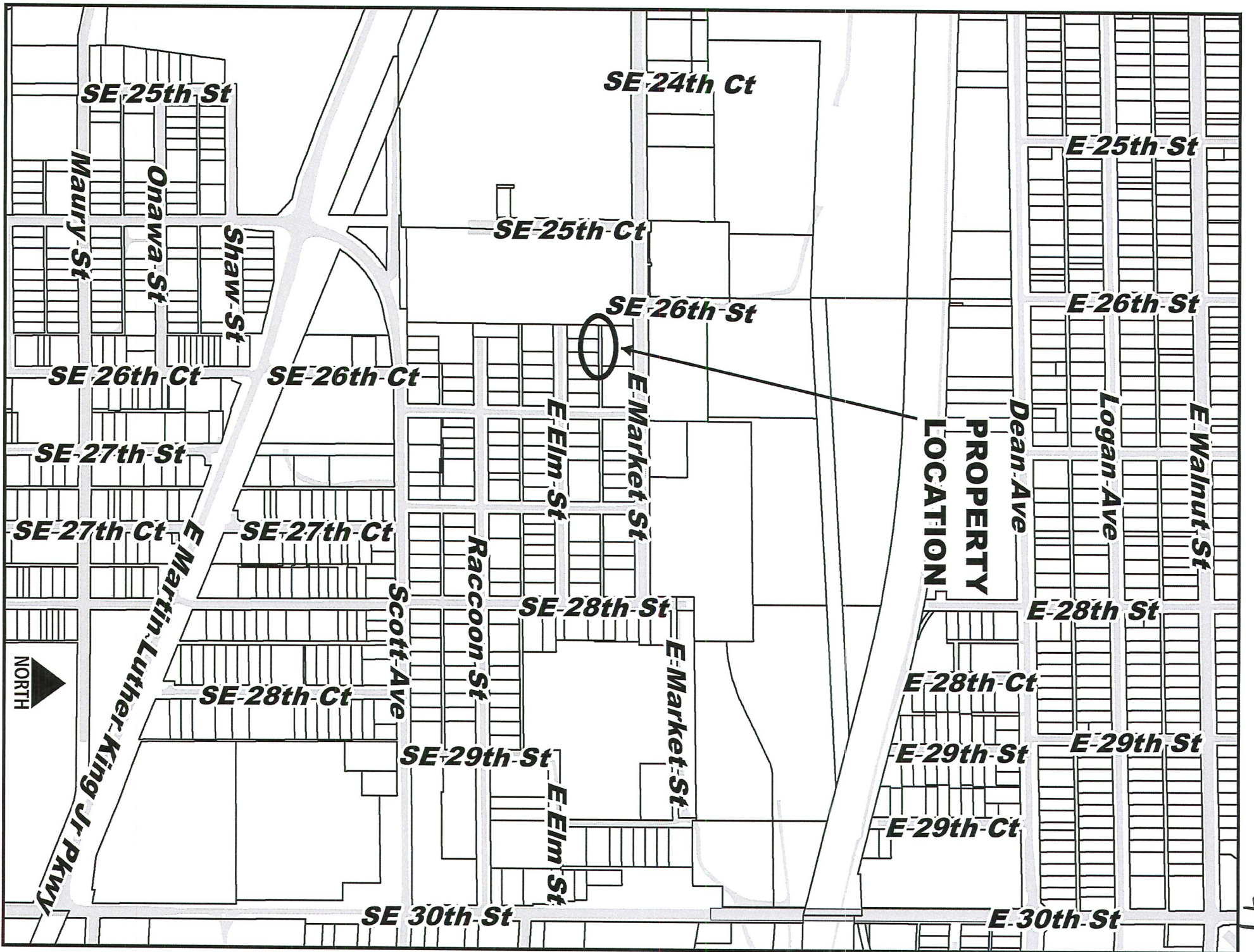
Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, Acting 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, Acting City Clerk





Date June 27, 2022

Agenda Item 49

Roll Call # _____

May 24, 2022

Communication from the City Plan and Zoning Commission advising that at their May 19, 2022 meeting, the following action was taken regarding a request from the City of Des Moines, for vacation of alley right-of-way located south of and adjoining 2601 East Market Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-1 as follows

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi			X	
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Todd Garner				X
Johnny Alcivar	X			
Justyn Lewis				X
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb	X			

APPROVAL of the requested Right-of-Way vacation, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested Right-of-Way vacation, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

Written Responses

0 in Favor

0 in opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would enable the property owner at 2601 East Market Street to assemble the alley Right-of-Way behind the property with their property. The owner of this property indicates that they currently maintain this Right-of-Way.
2. **Size of Site:** The requested segment of Right-of-Way encompasses a total 2,436 square feet of area.
3. **Existing Zoning (site):** "I1" Industrial District.
4. **Existing Land Use (site):** The subject area consists of an alley Right-of-Way.
5. **Adjacent Land Use and Zoning:**

North – "I1", Use is a one-household residential and vacant land.

South – "I1"; Uses are two (2) one-household residential properties and a vacant lot.
6. **General Neighborhood/Area Land Uses:** The applicant's property consists of a one-household residential lot fronting East Market Street to the north of the Right-of-Way and a couple single-family residential lots and a vacant lot fronting East Elm Street to the south of the Right-of-Way. The surrounding area consists of a mix of industrial and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not within 250 feet of a designated neighborhood association. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on April 29, 2022, and by mailing of the Final Agenda on May 13, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on May 9, 2022 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the request right-of-way.

All agendas are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association.

8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Business Park and Industrial.

10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Utilities:** While no utilities have been identified within the requested Right-of-Way, easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
- 2. Traffic/Access:** The requested vacation would not negatively impact access to private properties or traffic patterns.

SUMMARY OF DISCUSSION

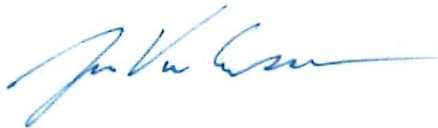
Emily Webb asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Abby Chungath made a motion for approval of the requested Right-of-Way vacation, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

Motion passed: 11-0-1

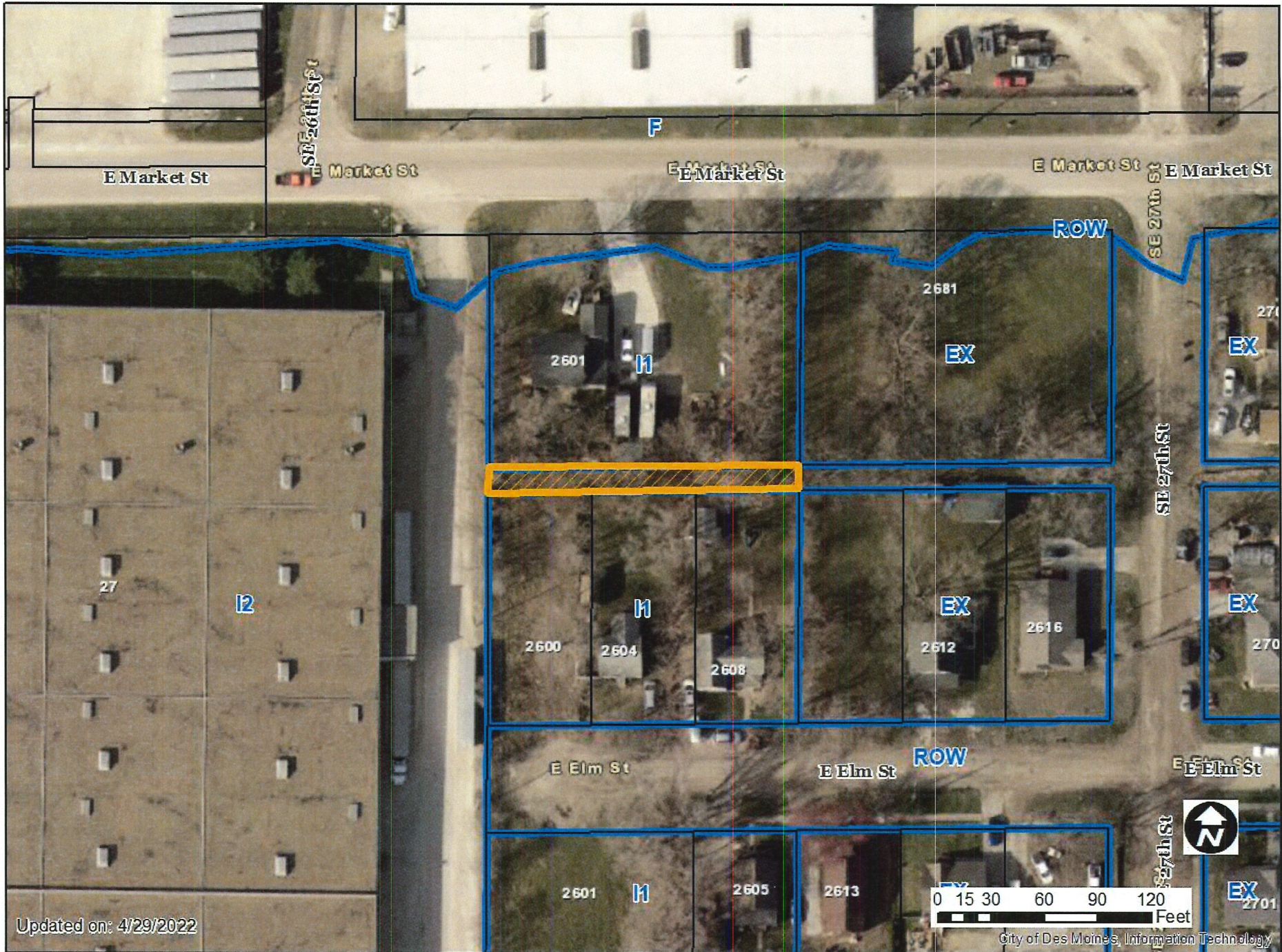
Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

City Initiated, Vacation of Alley Located South of and Adjoining 2601 East Market Street ROWV-2022-000011



Updated on: 4/29/2022

1 inch = 72 feet

EXHIBIT A

SE 26th St

E Market St

2601
E Market St

BLOCK 3

LOT 6

LOT 5

LOT 4

WEST LINE
OF LOT 6

EAST LINE
OF LOT 4

Vac SE 26th St

ALLEY

ALLEY

**ESHBAUGHS AND WESTS ADDITION
TO THE TOWN OF CHESTERFIELD**

Legend

 AREA TO BE VACATED



E Elm St

4a



City Initiated, Vacation of Alley Located South of and Adjoining 2601 East Market Street ROWV-2022-000011



Updated on: 5/19/2022

City of Des Moines, Information Technology

1 inch = 72 feet