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**Date** ..... December 4, 2023 .....

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE SOUTH 100 FEET OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING 601 24<sup>TH</sup> STREET AND CONVEYANCE TO RALLY CAP PROPERTIES, LLC FOR \$100.00**

**WHEREAS**, on November 6, 2023, by Roll Call No. 23-1536, the City Council of the City of Des Moines, Iowa voted to receive and file the communication from the Plan and Zoning Commission recommending the approval of a request from Rally Cap Properties, LLC for vacation of the southernmost 100 lineal feet of north/south alley right-of-way located east of and adjoining 601 24<sup>th</sup> Street, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense; and

**WHEREAS**, Rally Cap Properties, LLC, the owner of 601 24<sup>th</sup> Street, Des Moines, Iowa, has offered to the City of Des Moines (“City”) the purchase price of \$100.00 for the purchase of the portion of vacated north-south alley right-of-way located east of and adjoining 601 24<sup>th</sup> Street, (hereinafter “Property”), for assemblage with its adjoining property, subject to the reservation of any necessary 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 City Property as determined by the City’s Real Estate Division; and

**WHEREAS**, there is no known current or future public need for the right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said alley right-of-way.

**WHEREAS**, on November 20, 2023, by Roll Call No. 23-1609, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the street right-of-way be set for hearing on December 4, 2023, 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.

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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 southernmost 100 lineal feet of north/south alley right-of-way located east of and adjoining 601 24<sup>th</sup> Street, Des Moines, Iowa, legally described as follows, and said vacation is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated:

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING THE NORTH 40 FEET OF LOT 16 AND ALL OF LOT 17, ALL IN WOODLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,400 SQUARE FEET.

3. The proposed sale of such vacated alley right-of-way, as legally described below and to the grantees and for the consideration identified below and said conveyance is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated:

Grantee: Rally Cap Properties, LLC

Consideration: \$100.00

Legal Description:

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING THE NORTH 40 FEET OF LOT16 AND ALL OF LOT 17, ALL IN WOODLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,400 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. 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 grantees.

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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/ Chas M. Cahill  
Chas M. Cahill, Assistant City Attorney

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

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Laura Baumgartner, City Clerk

