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**Date** ..... April 1, 2024 .....

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR ISSUANCE OF A REPLACEMENT QUIT CLAIM DEED CONVEYING VACATED ALLEY RIGHT-OF-WAY LOCATED AT 2814 7<sup>TH</sup> STREET TO COLD STORAGE REHAB, LLC**

**WHEREAS**, on March 4, 1912, the City Council of the City of Des Moines, Iowa passed Ordinance No. 1903 vacating all of the alley right-of-way in the block bounded by New York Avenue and Corning Avenue and Seventh and Eighth Street, except the east 110 feet of the east-west alley (hereinafter “Property”); and

**WHEREAS**, at that same meeting on March 4, 1912, the City Council of the City of Des Moines, Iowa authorized and directed the Mayor, James R. Hanna, to execute a quit claim deed conveying to Consumers Ice Company, an Iowa corporation, all of the alley right-of-way vacated by Ordinance No. 1903; and

**WHEREAS**, no record exists of said deed being filed of record with the Polk County Recorder; and

**WHEREAS**, Cold Storage Rehab, LLC, successor in interest to Consumers Ice Company located at 2814 7<sup>th</sup> Street, has asked the City of Des Moines to issue a Replacement Quit Claim Deed conveying the vacated alley in the block bounded by New York Avenue and Corning Avenue and Seventh and Eighth Street to them in order to clear title to their property; and

**WHEREAS**, there is no known current or future public need or benefit for the City Property proposed to be conveyed, and the City will not be inconvenienced by issuing a Replacement Quit Claim Deed conveying the Property to Cold Storage Rehab, LLC.

**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 issue a Replacement Quit Claim Deed for the vacated alley right-of-way in the block bounded by New York Avenue and Corning Avenue and Seventh and Eighth Street, except the east 110 feet of the east-west alley, as legally described below, to Cold Storage Rehab, LLC:

A PART OF THE NORTH/SOUTH AND EAST/WEST VACATED ALLEY RIGHT OF WAYS ADJOINING LOTS 205 THROUGH 210, MANN’S SECOND ADDITION TO LAKE PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 210; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 210, A DISTANCE OF 110 FEET TO THE POINT OF BEGINNING; THENCE NORTH ALONG A STRAIGHT LINE TO A POINT ON THE SOUTH LINE OF LOT 215 IN SAID MANN’S SECOND ADDITION TO LAKE PARK, SAID POINT BEING 60 FEET WEST OF THE SOUTHEAST

Date April 1, 2024

CORNER OF SAID LOT 215 AND SAID POINT BEING ON THE NORTH LINE OF SAID EAST/WEST VACATED ALLEY RIGHT OF WAY; THENCE WEST ALONG THE NORTH LINE OF SAID EAST/WEST VACATED ALLEY RIGHT OF WAY AND EXTENDED WESTERLY TO THE WEST LINE OF SAID NORTH/SOUTH VACATED ALLEY RIGHT OF WAY; THENCE SOUTH ALONG THE WEST LINE OF SAID NORTH/SOUTH VACATED ALLEY RIGHT OF WAY TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 205; THENCE EAST ALONG SAID WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 205 TO THE SOUTHWEST CORNER OF SAID LOT 205; THENCE NORTH ALONG THE WEST LINES OF LOTS 205 THROUGH 210 TO THE NORTHWEST CORNER OF SAID LOT 210; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 210 TO THE POINT OF BEGINNING. SAID AREA CONTAINING APPROXIMATELY 4,760 SQUARE FEET.

VACATED BY ORDINANCE NO. 1903, PASSED MARCH 4, 1912.

2. That the meeting of the City Council at which the conveyance of such Replacement Quit Claim Deed is to be considered shall be held on April 15, 2024, 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. Persons interested in the proposal will be given the opportunity to express their views at that hearing.
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. There are no proceeds associated with this conveyance.

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
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGARD				
MANDELBAUM				
GATTO				
TOTAL				

MOTION CARRIED APPROVED

Mayor

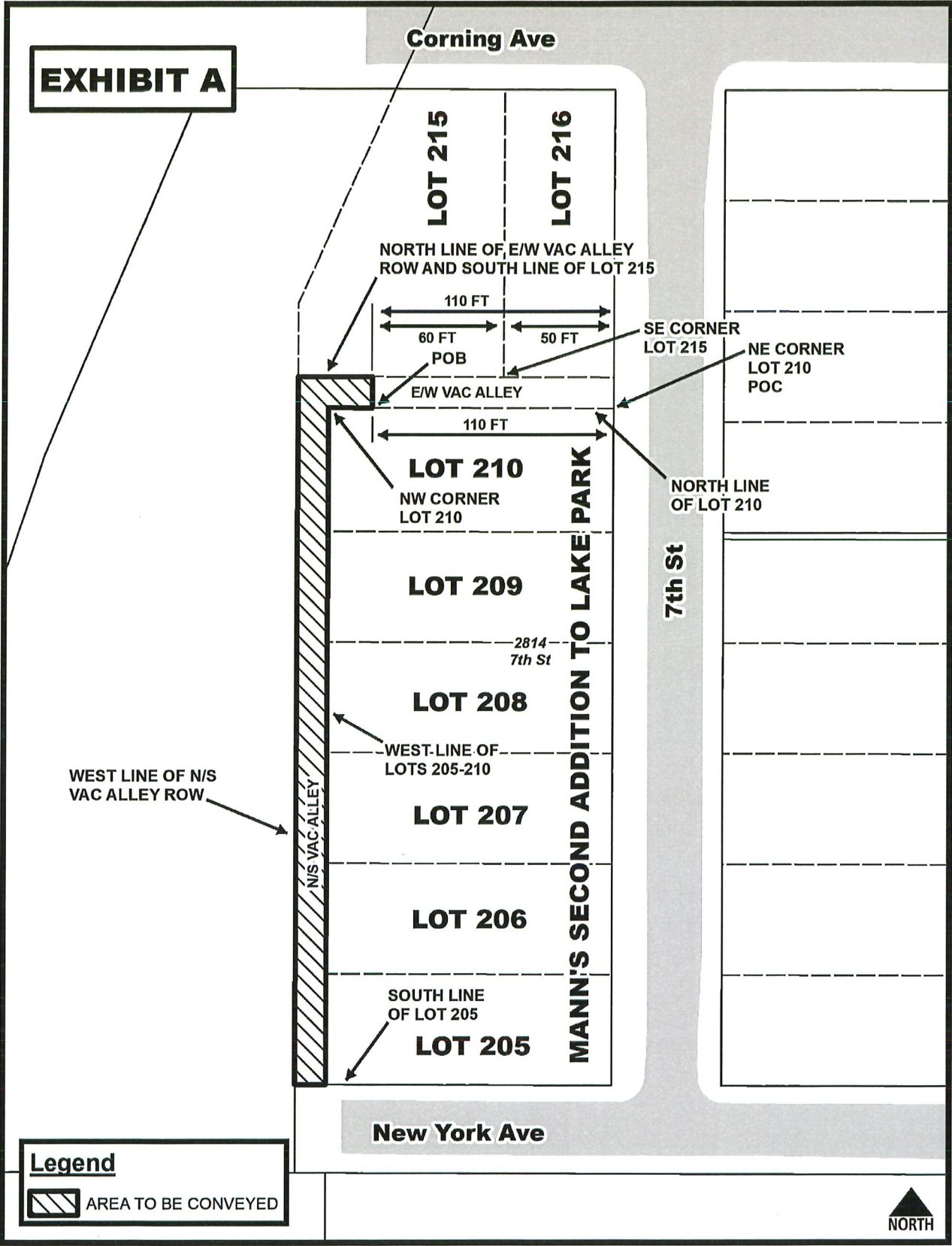
**CERTIFICATE**

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.

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

**EXHIBIT A**



**Legend**  
 AREA TO BE CONVEYED

