

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE EAST/WEST ALLEY RIGHT-OF-WAY LOCATED NORTH OF AND ADJOINING 809 VIRGINIA AVENUE, AND FOR VACATION OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 809 VIRGINIA AVENUE AND CONVEYANCE OF BOTH TO DIANA L. ANCELL FOR \$200.00**

**WHEREAS**, September 14, 2020, by Roll Call No. 20-1438, the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a City-initiated request to vacate the north/south alley and east/west alley in the block bounded by Broad Street, Virginia Avenue, Southwest 7th Street and Southwest 9th Street, subject to the reservation of easements for any existing utilities until such time that they are abandoned; and

**WHEREAS**, Diana L. Ansell, the owner of 809 Virginia Avenue, Des Moines, Iowa, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$200.00 for the purchase of the portion of vacated alley adjoining her property, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, and further subject to the reservation of a Permanent Easement for Ingress and Egress over a portion of the property to allow the City of Des Moines continued access to the remaining portions of north/south and east/west alley right-of-way, which price reflects the restricted fair market value of said portion of 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 November 9, 2020, by Roll Call No. 20-1766, 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 November 23, 2020, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa, and given Mayor Cownie's March 17, 2020 Proclamation, as amended prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor's June 25, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and the City Manager's decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic public access to the meeting location; 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, including how to participate electronically and telephonically; 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.

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Date November 23, 2020

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 north of and adjoining 809 Virginia Avenue, and the north/south alley right-of-way located west of and adjoining 809 Virginia Avenue, legally described as follows, subject to the reservation of easements for any existing utilities until such time that they are abandoned and further subject to the reservation of a Permanent Easement for Ingress and Egress over a portion of the property, and said vacation is hereby approved:

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING THE WEST 60 FEET OF LOT 8, PROCTOR'S ADDITION, AN OFFICIAL PLAT, AND ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING SOUTH OF THE WESTERLY EXTENSION ON THE SOUTH LINE OF LOT 9 IN SAID PROCTOR'S ADDITION AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 8, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.12 ACRES (5,395 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, subject to reservation of easements therein, and further subject to the reservation of a Permanent Easement for Ingress and Egress, and said conveyance is hereby approved:

Grantee: Diana L. Ancell

Consideration: \$200.00

Legal Description: ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING THE WEST 60 FEET OF LOT 8, PROCTOR'S ADDITION, AN OFFICIAL PLAT, AND ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING SOUTH OF THE WESTERLY EXTENSION ON THE SOUTH LINE OF LOT 9 IN SAID PROCTOR'S ADDITION AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 8, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.12 ACRES (5,395 SQUARE FEET).

4. The Mayor is authorized and directed to sign the Offers 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.

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

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED  
J. M. Franklin 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.

P. Kay Cmelik City Clerk