



**Roll Call Number**

21-1656

**Agenda Item Number**

20

**Date** November 1, 2021

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF  
VACATED CITY ALLEY RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING 905  
23<sup>RD</sup> STREET TO GREGORY P. BROWN FOR \$25**

**WHEREAS**, on January 2, 1979, by Roll Call No. 6301, the City Council of the City of Des Moines, Iowa passed Ordinance No. 9517 vacating the alley right-of-way located south of Olive Street, north of Rollins Avenue and west of Woodland Cemetery, including that portion located east of and adjoining 915 23<sup>rd</sup> Street, Des Moines, Iowa; and

**WHEREAS**, Gregory P. Brown, owner of 905 23<sup>rd</sup> Street, has offered to the City of Des Moines (“City”) the purchase price of \$25.00 for the purchase of the vacated north/south alley right-of-way located east of and adjoining 905 23<sup>rd</sup> Street (hereinafter “Property”), for assemblage with 905 23<sup>rd</sup> Street, 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 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 the vacated north/south alley right-of-way located east of and adjoining 905 23<sup>rd</sup> Street, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: Gregory P. Brown

Consideration: \$25.00

Legal Description: THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING THE SOUTH 19.3 FEET OF LOT 9, L. M. MANN’S SUBDIVISION, AN OFFICIAL PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 232 SQUARE FEET.

(VACATED BY ORDINANCE NO. 9,517)

2. A public hearing shall be held on November 15, 2021, 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.

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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. November 11, 2021 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

Please check the posted agenda in advance of the November 15, 2021 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. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Gatto 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	6			1

MOTION CARRIED APPROVED

Linda Westergaard 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

MAYOR PRO TEM