

SET HEARING FOR APPROVAL OF DOCUMENTS TO CORRECT THE VACATION OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 1010 13TH STREET AND TO ISSUE A CORRECTED QUIT CLAIM DEED TO JOPPA CHEATOM PARK, LLC

WHEREAS, on October 18, 2021, by Roll Call No. 21-1585, the City Council of the City of Des Moines voted to pass Ordinance No. 16,055 vacating the north-south alley right-of-way located west of and adjoining 1010 13th Street, Des Moines, Iowa and to approve the sale of such vacated alley right-of-way to JOPPA Cheatom Park, LLC, for \$25.00, subject to the reservation of easements for any existing utilities until such time that they are abandoned; and

WHEREAS, subsequent to passing Ordinance No. 16,055 and recording a quit claim deed conveying said vacated alley right-of-way, an error was discovered in the legal description of the vacated alley right-of-way leading to the need to repeal said ordinance, pass a new ordinance to vacate the properly described right-of-way, and issue a Corrected Quit Claim Deed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, shall consider repealing Ordinance No. 16,055 and adopting a corrected ordinance permanently vacating the north-south alley right-of-way located west of and adjoining 1010 13th Street, legally described as follows, subject to the reservation of easements for any existing utilities until such time that they are abandoned:

A PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 4, BLOCK F, DAY'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 82.78 FEET; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO A POINT ON THE EAST LINE OF LOT 5 IN SAID BLOCK F, SAID POINT BEING 83.22 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 5; THENCE NORTH ALONG SAID EAST LINE OF SAID LOT 5 TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE EAST ALONG A STRAIGHT LINE TO THE NORTHWEST CORNER OF SAID LOT 4 AND THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.03 ACRES (1271 SQUARE FEET).

2. The City Council of the City of Des Moines, Iowa, further proposes to issue a Corrected Quit Claim Deed to JOPPA Cheatom Park, LLC for the vacated alley right-of-way, legally described as follows, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated:

A PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 4, BLOCK F, DAY'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 82.78 FEET; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO A POINT ON THE EAST LINE OF LOT 5 IN SAID BLOCK F, SAID POINT BEING 83.22 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 5; THENCE NORTH ALONG SAID EAST LINE OF SAID LOT 5 TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE EAST ALONG A STRAIGHT LINE TO THE NORTHWEST CORNER OF SAID LOT 4 AND THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.03 ACRES (1271 SQUARE FEET).

3. That the meeting of the City Council at which the repeal of Ordinance No. 16,055, the adoption of said corrected ordinance vacating such right-of-way, and the issuance of a Corrected Quit Claim Deed conveying said vacated right-of-way is to be considered shall be on December 20, 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.

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. December 16, 2021 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the December 20, 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.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
5. There are no proceeds associated with this action.



Roll Call Number

21-1820

Agenda Item Number

31

Date December 6, 2021

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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 | 7 | | | |
| MOTION CARRIED | | | APPROVED | |

J. M. Frankhu Cowrie 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