

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF EXCESS CITY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 1819 43<sup>RD</sup> STREET AND CONVEYANCE TO CYNTHIA S. DOLMAGE AND DENNIS D. DOLMAGE FOR \$150**

**WHEREAS**, Cynthia S. Dolmage, owner of 1819 43<sup>rd</sup> Street, Des Moines, has requested the vacation and conveyance of a portion of the east-west alley right-of-way lying south of and adjoining their property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, which request was not presented to the City’s Plan and Zoning Commission for review and has instead been determined by the City Traffic Engineer to have no significant impact upon the public use of the right-of-way, in accordance with Municipal Code 102-286(b); and

**WHEREAS**, Cynthia S. Dolmage and Dennis D. Dolmage have offered to the City of Des Moines, Iowa (“City”) the purchase price of \$150.00 for the purchase of the portion of east-west alley right-of-way lying south of and adjoining 1819 43<sup>rd</sup> Street for incorporation into their adjoining property for expanded rear yard, 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 a no-build easement, which price reflects the restricted fair market value of the 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 May 9, 2022, by Roll Call No. 22-0691, 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 May 23, 2022, 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 the portion of east-west alley right-of-way lying south of and adjoining 1819 43<sup>rd</sup> Street, 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 portion of east-west alley right-of-way lying south of and adjoining 1819 43<sup>rd</sup> Street, legally described as follows, and said vacation is hereby approved:

LOT B, HAZELWOOD, AN OFFICIAL PLAT, -EXCEPT THE SOUTH HALF (S 1/2) OF SAID LOT B LYING WEST OF THE NORTHERLY EXTENSION OF EAST LINE OF THE WEST HALF (W 1/2) OF LOT 13 IN FLEETWOOD, AN OFFICIAL PLAT-,

AND

ALL THAT PART OF LOT A IN SAID HAZELWOOD LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT B AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF SAID LOT B,

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,734 SQUARE FEET.

3. The proposed sale of such vacated alley right-of-way, as legally described below and to the grantee and for the consideration identified below, subject to reservation of easements therein, and further subject to a no-build easement, and said conveyance is hereby approved:

Grantee: Cynthia S. Dolmage and Dennis D. Dolmage

Consideration: \$150.00

Legal Description:

LOT B, HAZELWOOD, AN OFFICIAL PLAT, -EXCEPT THE SOUTH HALF (S 1/2) OF SAID LOT B LYING WEST OF THE NORTHERLY EXTENSION OF EAST LINE OF THE WEST HALF (W 1/2) OF LOT 13 IN FLEETWOOD, AN OFFICIAL PLAT-,

AND

ALL THAT PART OF LOT A IN SAID HAZELWOOD LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT B AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF SAID LOT B,

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,734 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



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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 Boesen to adopt. Second by Sheumaker.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO				✓
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED APPROVED  
J. M. Frank 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