



Roll Call Number

22-1549

Agenda Item Number

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Date October 3, 2022

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF EAST-WEST ALLEY RIGHT-OF-WAY LOCATED WEST OF 29TH STREET BETWEEN BRATTLEBORO AVENUE AND UNIVERSITY AVENUE AND CONVEYANCE TO DRAKE UNIVERSITY FOR \$29,170

WHEREAS, October 18, 2021, by Roll Call No. 21-1551, 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 request from Drake University to vacate the east/west alley right-of-way within the block bounded by University Avenue on the north, 29th Street on the east, and Brattleboro Avenue on the south, (hereinafter “Property”), to allow the property to be assembled with adjacent parcels to the north and south in the vicinity of 2900 University Avenue for development purposes, subject to the reservation of any necessary easements for all existing utilities in place until abandoned or relocated at the applicant’s expense; and

WHEREAS, Drake University, owner of all of the property adjoining the alley on the north and the south, has offered to the City of Des Moines (“City”) the purchase price of \$29,170.00 for the purchase of the vacated alley right-of-way for assemblage with its adjoining properties, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, and further subject to the reservation of no-build easement over a portion of the Property; which price reflects \$16,340.00 for the unencumbered portion of the Property and \$12,830.00 for the no-build restricted portion of the Property; 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 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 September 12, 2022, by Roll Call No. 22-1408, 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 October 3, 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:



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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 within the block bounded by University Avenue on the north, 29th Street on the east, and Brattleboro Avenue on the south, legally described as follows, and said vacation is hereby approved:

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 13 THROUGH 18, KINGMAN PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.10 ACRES (4,200 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 the reservation of no-build easement over a portion of the Property, and said conveyance is hereby approved:

Grantee: Drake University
Consideration: \$29,170.00
Legal Description:

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 13 THROUGH 18, KINGMAN PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.10 ACRES (4,200 SQUARE FEET).

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed and Reservation of Easements 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 and Reservation of Easements, 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 and Reservation of Easements, 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.



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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 Reservation of Easements 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. Second by Gatto.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

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

MOTION CARRIED APPROVED
J. M. Frankin Cownie 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
Laura Baumgartner, City Clerk