



Roll Call Number

23-0584

Agenda Item Number

24

Date April 24, 2023

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF ALLEY RIGHT-OF-WAY IN THE VICINITY OF 1601 HIGH STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT – DOOR SWING TO HOYT, LLC FOR \$2.045.00

WHEREAS, on February 6, 2023, by Roll Call No. 23-0153, 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 Hoyt, LLC to vacate alley right-of-way in the vicinity of 1601 High Street, bounded by 16th Street to the east, 17th Street to the west, High Street to the south, and Woodland Avenue to the north to allow for trash enclosure gates to swing into the existing alleyway, subject to the following conditions:

1. Reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. The requested vacation area shall be leased, not conveyed to the applicant.
3. Any future door swing easement shall note that enclosure doors are to remain closed except during trash pick-up; and

WHEREAS, Hoyt, LLC, owner of 1601 High Street, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$2,045.00 for the purchase of a Permanent Easement for Building Encroachment – Door Swing through and across the above grade segment of alley right-of-way located north of 1601 High Street, Des Moines, Iowa; bounded by 16th Street to the east, 17th Street to the west, High Street to the south, and Woodland Avenue to the north (hereinafter “Property”); and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be vacated, and the City will not be inconvenienced by the vacation of said Property and conveyance of a Permanent Easement for Building Encroachment – Door Swing therein.

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 adoption of an ordinance permanently vacating a segment of Ingersoll Avenue right-of-way located north of 1601 High Street, Des Moines, Iowa; bounded by 16th Street to the east, 17th Street to the west, High Street to the south, and Woodland Avenue to the north, legally described as follows:

A PART OF EAST/WEST ALLEY RIGHT OF WAY IN BLOCK A IN THE SUBDIVISION OF LOT 6 OF THE PURSLEY ESTATE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED: COMMENCING AT THE NORTHEAST CORNER OF LOT 5 IN SAID BLOCK A; THENCE N89°34'47"W, 119.06 FEET ALONG THE NORTH LINE OF LOTS 5 AND 6 IN SAID BLOCK A, TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH LINE OF LOTS 6 AND 7 IN SAID BLOCK A, N89°34'47"W 15.66 FEET; THENCE N00°24'56"E, 6.00 FEET; THENCE S89°34'47"E, 15.67 FEET; THENCE S00°25'19"W, 6.00 FEET TO THE POINT OF BEGINNING. THE DESCRIBED AREA CONTAINS 95 SF MORE OR LESS.



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- 2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Building Encroachment – Door Swing, subject to any and all easements, restrictions, and covenants of record, as legally described below, to Hoyt, LLC, for \$2,045.00:

A PART OF EAST/WEST VACATED ALLEY RIGHT OF WAY IN BLOCK A IN THE SUBDIVISION OF LOT 6 OF THE PURSLEY ESTATE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED:

COMMENCING AT THE NORTHEAST CORNER OF LOT 5 IN SAID BLOCK A; THENCE N89°34'47"W, 119.06 FEET ALONG THE NORTH LINE OF LOTS 5 AND 6 IN SAID BLOCK A, TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH LINE OF LOTS 6 AND 7 IN SAID BLOCK A, N89°34'47"W 15.66 FEET; THENCE N00°24'56"E, 6.00 FEET; THENCE S89°34'47"E, 15.67 FEET; THENCE S00°25'19"W, 6.00 FEET TO THE POINT OF BEGINNING. THE DESCRIBED AREA CONTAINS 95 SF MORE OR LESS.

- 3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such easement is to be considered shall be on May 8, 2023, 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.

Please check the posted agenda in advance of the May 8, 2023 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. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.



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Moved by Gatto to adopt. Second by Boesen

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	4			1

MOTION CARRIED APPROVED
J. M. Franklin 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