



Roll Call Number

230823

Agenda Item Number

23

Page 1

Date June 12, 2023

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF ALLEY RIGHT-OF-WAY IN THE BLOCK BOUNDED BY WOODLAND AVENUE ON THE NORTH, HIGH STREET ON THE SOUTH, 24TH STREET ON THE EAST AND 28TH STREET ON THE WEST AND CONVEYANCE TO JESSE LAAKE, CAMERON GALE, AND CHESTER SMITH AND NICOLE RYAN

WHEREAS, Chester Wilson Smith and Nicole Suzanne Ryan, owners of 2603 High Street, Des Moines, Iowa, and Jesse D. Lake, owner of 2515 High Street, Des Moines, Iowa, and Cameron Gale, owner of 2520 Woodland Avenue, Des Moines, Iowa, have all requested the vacation of the east-west alley right-of-way adjoining their properties; and

WHEREAS, said requests were not presented to the City’s Plan and Zoning Commission for review and have 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), Des Moines, Iowa, 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, Chester Wilson Smith and Nicole Suzanne Ryan have offered to the City of Des Moines, Iowa (“City”) the purchase price of \$50.00 for the purchase of the vacated east-west alley right-of-way located north of and adjoining 2603 High Street; and Jesse D. Lake has offered to the City the purchase price of \$25.00 for the purchase of the south half of the vacated east-west alley right-of-way located north of and adjoining 2515 High Street; and Cameron Gale has offered to the City the purchase price of \$25.00 for the purchase of the north half of the vacated east-west alley right-of-way located south of and adjoining 2520 Woodland Avenue; (hereinafter collectively “Property”) for incorporation into their adjoining properties for expanded sideyard, subject to the reservation of easements for all existing utilities in place until such time that they are abandoned or relocated, which prices reflect the 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.

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

- 1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a portion of alley right-of-way in the block bounded by Woodland Avenue on the north, High Street on the south, 24th Street on the east and 28th Street on the west, Des Moines, Iowa, legally described as follows:

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 37 AND 38 OF INGERSOLL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND

Date June 12, 2023

FORMING A PART OF POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,600 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the portion of alley right-of-way in the block bounded by Woodland Avenue on the north, High Street on the south, 24th Street on the east and 28th Street on the west, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

Grantee: Chester Wilson Smith and Nicole Suzanne Ryan

Consideration: \$50.00

Legal Description:

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 38 OF INGERSOLL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 800 SQUARE FEET.

Grantee: Jesse D. Lake

Consideration: \$25.00

Legal Description:

THE SOUTH HALF (S 1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 37 OF INGERSOLL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

Grantee: Cameron Gale

Consideration: \$25.00

Legal Description:

THE NORTH HALF (N 1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 14 OF INGERSOLL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on June 26, 2023, said meeting to be held 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. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

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.



Roll Call Number

23-0823

Agenda Item Number

23

Date June 12, 2023

5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Gatto to adopt. Second by Mandelbaum

APPROVED AS TO FORM:

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

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.

J. M. Frankhu Cowme Mayor

Laura Baumgartner, City Clerk