

Date June 12, 2023

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF VACATED ALLEY RIGHT-OF-WAY IN THE BLOCK BOUNDED BY GARFIELD AVENUE ON THE NORTH, EASTON BOULEVARD ON THE SOUTH, STEWART STREET ON THE EAST AND DIXON STREET ON THE WEST TO FERNANDO GUERRERO CASTILLO, DAVID AND LINDA WOOD, AND SWIFT PROPERTIES, LLC**

**WHEREAS**, on August 17, 1981, by Roll Call No. 4168, the City Council of the City of Des Moines, Iowa voted to pass Ordinance No. 9999 vacation of all of the north-south alley right-of-way west of adjoining Lots 1 through 15 inclusive, Block 6, Stalford's Addition, said vacation including the portions of alley right-of-way lying west of and adjoining 1258 Stewart Street, east of and adjoining 1247 Dixon Street, and east of and adjoining 1237 Dixon Street, Des Moines, Iowa (hereinafter collectively "Property"); and

**WHEREAS**, Fernando Guerrero Castillo, owner of 1258 Stewart Street, Des Moines, Iowa, has offered to the City of Des Moines ("City") the purchase price of \$25.00 for the purchase of the east half of the vacated alley right-of-way lying west of and adjoining his property at 1258 Stewart Street (hereinafter "Property"), for assemblage with 1258 Stewart Street, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the fair market value of the City Property as determined by the City's Real Estate Division; and

**WHEREAS**, David A. Wood and Linda D. Wood, owners of 1247 Dixon Street, Des Moines, Iowa, has offered to the City of Des Moines ("City") the purchase price of \$150.00 for the purchase of the vacated alley right-of-way lying east of and adjoining their property at 1247 Dixon Street (hereinafter "Property"), for assemblage with 1247 Dixon Street, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the fair market value of the City Property as determined by the City's Real Estate Division; and

**WHEREAS**, Swift Properties, LLC, owner of 1237 Dixon Street, Des Moines, Iowa, has offered to the City of Des Moines ("City") the purchase price of \$150.00 for the purchase of the vacated alley right-of-way lying east of and adjoining its property at 1237 Dixon Street (hereinafter "Property"), for assemblage with 1237 Dixon Street, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, 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 Property proposed to be sold, and the City will not be inconvenienced by the sale and conveyance of said Property; and

**WHEREAS**, on May 22, 2023 by Roll Call No. 23-0720, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on June 12, 2023, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and



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**WHEREAS**, due notice of said proposal to convey the Property was given to all necessary parties 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 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 conveyance of the portions of alley right-of-way lying west of and adjoining 1258 Stewart Street, east of and adjoining 1247 Dixon Street, and east of and adjoining 1237 Dixon Street, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the portions of alley right-of-way lying west of and adjoining 1258 Stewart Street, east of and adjoining 1247 Dixon Street, and east of and adjoining 1237 Dixon Street, Des Moines, Iowa, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein and said conveyance is hereby approved:

Grantee: Fernando Guerrero Castillo

Consideration: \$25.00

Legal Description: THE EAST HALF (E 1/2) OF VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 8 IN BLOCK 6 OF STALFORD'S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 240 SQUARE FEET.

Grantee: David A. Wood and Linda D. Wood

Consideration: \$150.00

Legal Description: A PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF BLOCK 6 IN STALFORD'S ADDITION TO THE CITY OF 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:  
THE WEST HALF (W 1/2) OF SAID VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 7 THROUGH 10 IN BLOCK 7,



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STALFORD AND DIXON'S ADDITION TO THE CITY OF DES MOINES, IOWA, AN OFFICIAL PLAT,  
 AND  
 THE EAST HALF (E 1/2) OF SAID VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 7 IN SAID BLOCK 6,  
 AND  
 THE EAST HALF (E 1/2) OF SAID VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 10 IN SAID BLOCK 6 AND LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 10 IN SAID BLOCK 7 OF SAID STALFORD AND DIXON'S ADDITION TO THE CITY OF DES MOINES, IOWA AND LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 10 OF SAID STALFORD'S ADDITION TO THE CITY OF DES MOINES,  
 AND CONTAINING APPROXIMATELY 1,436 SQUARE FEET.

Grantee: Swift Properties, LLC

Consideration: \$150.00

Legal Description: A PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF BLOCK 6 IN STALFORD'S ADDITION TO THE CITY OF 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:

ALL OF SAID VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 11 THROUGH 13 IN BLOCK 7, STALFORD AND DIXON'S ADDITION TO THE CITY OF DES MOINES, IOWA, AN OFFICIAL PLAT,  
 AND CONTAINING APPROXIMATELY 1,440 SQUARE FEET.

3. The Mayor is authorized and directed to sign the Offers to Purchase and Quit Claim Deeds for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. Upon proof of payment of the consideration plus \$113.00 for publication and recording costs for each conveyance, 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 Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
5. 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.
6. 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 copies of the other documents to the grantees.



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

Moved by Westergaard to adopt. Second by Voss

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. Includes signature of J. M. Frankh Cowrie and Mayor title.

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 City Clerk