



**Roll Call Number**

23-0931

**Agenda Item Number**

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**Date** June 26, 2023

**HOLD 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, 24<sup>TH</sup> STREET ON THE EAST AND 28<sup>TH</sup> STREET ON THE WEST AND CONVEYANCE TO JESSE LAAKE FOR \$25.00, CAMERON GALE FOR \$25.00, AND CHESTER SMITH AND NICOLE RYAN FOR \$50.00.**

**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.

**WHEREAS**, on June 12, 2023, by Roll Call No. 23-0823, 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 June 26, 2023, 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 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 a portion of alley right-of-way in the block bounded by Woodland Avenue on the north, High Street on the south, 24<sup>th</sup> Street on the east and 28<sup>th</sup> Street on the west, legally described as follows, and said vacation is hereby approved:

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

3. The proposed sale of such vacated alley right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements therein, and said conveyance is hereby approved:

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.

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4. 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.
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 Deeds, 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 Deeds, 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 Deeds and a copies of the other documents to the grantees.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Mandelbaum to adopt. Second by Voss

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	6			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