

Date December 18, 2023

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A DEAD-END SECTION OF ALLEY RIGHT-OF-WAY LOCATED IN THE BLOCK BOUNDED BY EAST OAK PARK AVENUE TO THE NORTH, EAST OVID AVENUE TO THE SOUTH AND YORK STREET TO THE EAST, AND CONVEYANCE TO ADJOINING PROPERTY OWNERS**

**WHEREAS**, the City of Des Moines, Iowa is the owner of certain dead-end segment of alley right-of-way extending west from York Street between East Oak Park Avenue and East Ovid Avenue; and

**WHEREAS**, several adjoining property owners have approached the City of Des Moines to ask that the alley right-of-way be vacated and conveyed to the adjoining owners; and

**WHEREAS**, Heather M. Johnson and Darryl A. Johnson, the owners of 1301 E. Oak Park Avenue, Des Moines, Iowa, have offered to the City of Des Moines (“City”) the purchase price of \$50.00 for the purchase of the portion of vacated alley right-of-way located south of and adjoining 1301 E. Oak Park Avenue for assemblage with their adjoining property, 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**, William B. Roberts and Carolyn J. Roberts, the owners of 1301 E. Oak Park Avenue, Des Moines, Iowa, have offered to the City of Des Moines (“City”) the purchase price of \$50.00 for the purchase of the portion of vacated alley right-of-way located south of and adjoining 1305 E. Oak Park Avenue, for assemblage with their adjoining property, 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**, Cheryl Evans-Pryor, the owner of 1305 E. Oak Park Avenue, Des Moines, Iowa, has offered to the City of Des Moines the purchase price of \$50.00 for the purchase of the portion of vacated east-west alley right-of-way located south of and adjoining 1305 E. Oak Park Avenue, for assemblage with her adjoining property, 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**, Robert W. Connelly and Deanna R. Connelly, the owners of 1315 E. Oak Park Avenue, Des Moines, Iowa, have offered to the City of Des Moines (“City”) the purchase price of \$25.00 for the purchase of the portion of vacated alley right-of-way located south of and adjoining 1315 E. Oak Park Avenue, for assemblage with their adjoining property, 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

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**WHEREAS**, Joel B. Stanger, the owner of 1319 E. Oak Park Avenue, Des Moines, Iowa, has offered to the City of Des Moines the purchase price of \$25.00 for the purchase of the portion of vacated east-west alley right-of-way located south of and adjoining 1319 E. Oak Park Avenue, for assemblage with his adjoining property, 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**, Bradley Murray and Danielle Broome, the owners of 1321 E. Oak Park Avenue, Des Moines, Iowa, have offered to the City of Des Moines ("City") the purchase price of \$25.00 for the purchase of the portion of vacated alley right-of-way located south of and adjoining 1321 E. Oak Park Avenue, for assemblage with their adjoining property, 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**, Teresita Garcia, the owner of 1312 E. Ovid Avenue, Des Moines, Iowa, has offered to the City of Des Moines the purchase price of \$25.00 for the purchase of the portion of vacated east-west alley right-of-way located north of and adjoining 1312 E. Ovid Avenue, for assemblage with her adjoining property, 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**, Jessica R. Norris, the owner of 3408 York Street, Des Moines, Iowa, has offered to the City of Des Moines the purchase price of \$50.00 for the purchase of the portion of vacated east-west alley right-of-way located north of and adjoining 3408 York Street, for assemblage with her adjoining property, 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 or benefit for the right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said alley right-of-way.

**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 dead-end segment of alley right-of-way extending west from York Street between East Oak Park Avenue and East Ovid Avenue, Des Moines, Iowa, subject to the reservation of easements therein, legally described as follows:



Roll Call Number

23-1760

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ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 20 THROUGH 25, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 4,200 SQUARE FEET.

- 2. The City Council of the City of Des Moines, Iowa, further proposes to sell portions of the vacated alley right-of-way, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

Grantee: Heather M. Johnson and Darryl A. Johnson

Consideration: \$50.00

Legal Description:

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 20, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 700 SQUARE FEET.

Grantee: William B. Roberts and Carolyn J. Roberts

Consideration: \$50.00

Legal Description:

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 21, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 700 SQUARE FEET.

Grantee: Cheryl Evans-Pryor

Consideration: \$50.00

Legal Description:

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 22, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 700 SQUARE FEET.

Grantee: Robert W. Connelly and Deanna R. Connelly

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 23, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 350 SQUARE FEET.

Grantee: Joel B. Stanger

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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 24, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 350 SQUARE FEET.

Grantee: Bradley Murray and Danielle Broome

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 25, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 350 SQUARE FEET.

Grantee: Teresita Garcia

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 12, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 350 SQUARE FEET.

Grantee: Jessica R. Norris

Consideration: \$50.00

Legal Description:

THE SOUTH HALF (S 1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 10 AND 11, MANN'S 2<sup>ND</sup> ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 700 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 January 8, 2024, 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. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 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

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

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