

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF AN L-SHAPED ALLEY RIGHT-OF-WAY LOCATED IN THE BLOCK BOUNDED BY KIRKWOOD AVENUE TO THE NORTH, LACONA AVENUE TO THE SOUTH, AND COURTLAND DRIVE TO THE EAST, AND CONVEYANCE TO VARIOUS ADJOINING PROPERTY OWNERS.

WHEREAS, on October 2, 2023, by Roll Call No. 23-1316, the City Council of the City of Des Moines, Iowa voted to receive and file the communication from the Plan and Zoning Commission recommending the approval of a request from MMR Enterprises, LLC for vacation of an "L"-shaped alley right-of-way located in the vicinity of 2400 Courtland Drive, where the right-of-way is bounded by Kirkwood Avenue to the north and Courtland Drive to the east, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense; and

WHEREAS, Raul Dionicio Gomez, II, the owner of 722 Kirkwood Avenue, Des Moines, Iowa, has offered to the City of Des Moines ("City") the purchase price of \$275.00 for the purchase of the portion of vacated east-west alley right-of-way located west of and adjoining 722 Kirkwood Avenue, and north of and adjoining Geoparcels 7824-16-254-019, 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, Win, LLC, the owner of 720 Kirkwood 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 720 Kirkwood Avenue, for assemblage with its 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, Cody Adams, the owner of 718 Kirkwood 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 718 Kirkwood 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, Teresa Colunga Vazquez, the owner of 708 Kirkwood Avenue, Des Moines, Iowa, has offered to the City of Des Moines ("City") 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 708 Kirkwood 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

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WHEREAS, Marielena Gamboa Villa, the owner of 704 Kirkwood 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 704 Kirkwood 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, Michael Wright, the owner of 702 Kirkwood 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 702 Kirkwood 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, Colleen M. McClain, the owner of 608 Kirkwood Avenue, Des Moines, Iowa, has offered to the City of Des Moines (“City”) the purchase price of \$100.00 for the purchase of the portion of vacated east-west alley right-of-way located south of and adjoining 608 Kirkwood Avenue and 700 Kirkwood 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, Howard Huff, the owner of 725 Lacona Avenue, Des Moines, Iowa, has offered to the City of Des Moines the purchase price of \$125.00 for the purchase of the portion of vacated east-west alley right-of-way located north of and adjoining 725 Lacona 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, MMR Enterprises, L.L.C., Mark Davis, Manager, the owner of 2400 Courtland Drive, Des Moines, Iowa, has offered to the City of Des Moines the purchase price of \$125.00 for the purchase of the portion of vacated east-west alley right-of-way located north of and adjoining 2400 Courtland Drive, for assemblage with its 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 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.

WHEREAS, on December 18, 2023, by Roll Call No. _____, 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 January 8, 2024, 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 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 the 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 an "L"-shaped alley right-of-way located in the vicinity of 2400 Courtland Drive, and bounded by Kirkwood Avenue to the north and Courtland Drive to the east in Des Moines, Iowa, legally described as follows, and said vacation is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated:

ALL OF LOT D, AND
ALL THAT PART OF LOT C LYING WEST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 4, IRVIN'S PLACE, AN OFFICIAL PLAT, SAID LOTS C AND D BEING A PART OF OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 8,514 SQUARE FEET.

3. The proposed sale of portions of such vacated alley right-of-way, as legally described below, and to the grantees and for the consideration identified below, and said conveyance is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated:

Grantee: Raul Dionicio Gomez, II

Consideration: \$275.00

Legal Description:

ALL OF LOT D IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS,

AND

ALL OF LOT C IN SAID OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS, LYING WEST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF THE WEST 264.00 FEET OF LOT 7 OF THE OFFICIAL PLAT OF SECTION 16, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., - EXCEPT ALL OF

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SAID LOT C LYING SOUTH OF AND ADJOINING LOTS 567 AND 586 OF SAID OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS-, AND THE NORTH 5.00 FEET OF THE WEST 264.00 FEET OF SAID LOT 7, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 5,172 SQUARE FEET.

Grantee: Win, LLC
Consideration: \$50.00

Legal Description:
ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS LYING SOUTH OF AND ADJOINING SAID LOT 567, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 500 SQUARE FEET.

Grantee: Cody Adams
Consideration: \$50.00

Legal Description:
ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS LYING SOUTH OF AND ADJOINING SAID LOT 568, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 500 SQUARE FEET.

Grantee: Teresa Colunga Vazquez
Consideration: \$50.00

Legal Description:
ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS LYING SOUTH OF AND ADJOINING SAID LOT 571, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 500 SQUARE FEET.

Grantee: Marielena Gamboa Villa
Consideration: \$50.00

Legal Description:
ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS LYING SOUTH OF AND ADJOINING SAID LOT 572, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 500 SQUARE FEET.

Grantee: Michael Wright
Consideration: \$50.00

Legal Description:

ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS LYING SOUTH OF AND ADJOINING SAID LOT 573, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 500 SQUARE FEET.

Grantee: Colleen M. McClain

Consideration: \$100.00

Legal Description:

ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS LYING SOUTH OF AND ADJOINING SAID LOTS 574 AND 575, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,000 SQUARE FEET.

Grantee: Howard Huff

Consideration: \$125.00

Legal Description:

ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS, LYING EAST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF THE WEST 264.00 FEET OF LOT 7 OF THE OFFICIAL PLAT OF SECTION 16, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. AND LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 570,

AND

THE NORTH 5.00 FEET OF SAID LOT 7 LYING EAST OF THE EAST LINE OF THE WEST 264.00 FEET OF SAID LOT 7 AND LYING WEST OF THE NORTHERLY EXTENSION OF THE MOST WESTERLY LINE OF LOT 4, IRVIN'S PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,339 SQUARE FEET.

Grantee: MMR Enterprises, L.L.C.

Consideration: \$125.00

Legal Description:

AREA A- ALL OF LOT C IN THE OFFICIAL PLAT OF LOTS 542 TO 577 INCLUSIVE AND LOTS A, B, C, D, E AND F IN THE FIRST PLAT OF CLIFTON HEIGHTS LYING BETWEEN THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 4, IRVIN'S PLACE, AN OFFICIAL PLAT, AND THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 576;

AND

AREA B- THE NORTH 5.00 FEET OF LOT 7 OF THE OFFICIAL PLAT OF SECTION 16, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. LYING BETWEEN THE NORTHERLY EXTENSION OF THE MOST WESTERLY LINE OF SAID LOT 4 AND THE WEST LINE OF THE EAST 132.00 FEET OF SAID LOT 7;

ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,130 SQUARE FEET.

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 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 Gatto to adopt. Second by Coleman

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	6			
MOTION CARRIED	APPROVED			

Connie Boesen 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