

Date July 23, 2007

**HOLD HEARING FOR THE VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY BETWEEN 24<sup>TH</sup> STREET AND 25<sup>TH</sup> STREET, EXTENDING NORTH FROM ROLLINS AVENUE, TO ADJOINING PROPERTY OWNERS FOR \$400**

WHEREAS, on September 12, 2005, by Roll Call No. 05-2198, the City Council adopted a recommendation from the City Plan and Zoning Commission that the North/South alley between 24<sup>th</sup> Street and 25<sup>th</sup> Street, extending North from Rollins Avenue, hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantees identified below are the owners of property abutting such right-of-way and have offered to the City of Des Moines the purchase price identified below for the vacation and purchase of such right-of-way described below; and

WHEREAS, on July 9, 2007, by Roll Call No. 07- 1285, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on July 23, 2007, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public 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 said notice, those interested in said 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation and conveyance of public right-of-way, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the North/South alley between 24<sup>th</sup> Street and 25<sup>th</sup> Street, extending North from Rollins Avenue, more specifically described as follows:

All of the North/South alley lying West of and adjoining Lots 1, 8 and 9, Wetmore's, an Official Plat, and lying West of and adjoining Lots 1, 2, 3 and 4, Ira P. Wetmore's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED  
*[Signature]*  
7/23/07

Date July 23, 2007

3. That the sale and conveyance of such right-of-way, as described below, and to the grantees and for the consideration identified below, together with payment by such grantees of the estimated publication and recording costs for this transaction, be and is hereby approved:

To: Daniel Hearn for \$50

The West 1/2 of the vacated North/South alley right-of-way lying East of and adjoining the South 5.0 feet of Lot 2, and lying East of and adjoining Lot 7, Wetmore's, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Marc A. Cadd and Harmony J. Linden for \$50

The East 1/2 of the vacated North/South alley right-of-way lying West of and adjoining Lot 8, Wetmore's, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Adam Hill for \$100

All of the vacated North/South alley right-of-way lying West of and adjoining Lot 9, Wetmore's, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Tammy R. Winfield for \$50

All of the vacated North/South alley right-of-way lying East of and adjoining the North 40.0 feet of Lot 22, Ira P. Wetmore's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: J & M Investments for \$150

All of the vacated North/South alley right-of-way lying East of and adjoining the South 15.0 feet of Lot 22, and lying East of and adjoining Lots 19, 20, and 21, Ira P. Wetmore's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

4. The Mayor is authorized and directed to sign the Offers to Purchase and the Quit Claim Deeds for the conveyances identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

DESCRIPTION REVIEWED  
*[Signature]*  
8/2/07 10:50

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5. Upon final passage of an ordinance vacating the said right-of-way and 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 originals of the said 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 originals of the 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 originals of the Quit Claim Deeds and copies of the other documents to the grantees.

8. The proceeds from the sale of this property will be deposited into the following account: 2007-08 Operating Budget, Page 259, Property Maintenance, SP767.

(Council Communication No. 07-449)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Glenna K. Frank*  
 Glenna K. Frank  
 Assistant City Attorney

*PIW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

\_\_\_\_\_  
 Mayor

CERTIFICATE

I, DIANE RAUH, 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.

\_\_\_\_\_  
 City Clerk