

Date August 10, 2009

HEARING FOR THE VACATION AND CONVEYANCE OF A SEGMENT OF THE EAST/WEST ALLEY RUNNING WEST OF MARTIN LUTHER KING JR. PARKWAY BETWEEN WASHINGTON AVENUE AND MONDAMIN AVENUE , TO ADJOINING PROPERTY OWNERS FOR \$676.00

WHEREAS, on May 18, 2009, by Roll Call No. 09-848, the City Council received a recommendation from the City Plan and Zoning Commission that a segment of the east/west alley running west of Martin Luther King Jr. Parkway between Washington Avenue and Mondamin Avenue, hereinafter more fully described, be vacated and sold; and

WHEREAS, the owners of property abutting such rights-of-way have offered to the City of Des Moines the purchase prices identified below for the vacation and purchase of the portions of such right-of-way described below, which purchase prices reflect the fair market value of the property as currently estimated by the City's Real Estate Division; and

WHEREAS, on July 27, 2009, by Roll Call No. 09-1318, it was duly resolved by the City Council that the proposed vacation and conveyance of such rights-of-way be set down for hearing on August 10, 2009, 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 more specifically described as follows:

All that part of the East/West alley right-of-way lying East of the northerly extension of the East line of Lot 10, Block 1, Shepherdson's Addition to the City of Des Moines, an Official Plat, and lying West of the West right-of-way line of Martin Luther King Jr. Parkway (aka Harding Road) as it now exists, and lying North of and adjoining Lots 1 thru 9, of said Block 1, All now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

To: Fredrick Robert Hews for \$626.00

All of the vacated East/West alley right-of-way lying West of the West right-of-way line of Martin Luther King Jr. Parkway (AKA Harding Road), and lying North of and adjoining Lots 1 through 8, Block 1, Shepherdson's Addition to the City of Des Moines, an Official Plat and the vacated East/West alley right-of-way lying North of and adjoining the East 12.5 feet of Lot 9, of said Block1, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

and

To: T & J Development Company Inc. for \$50.00

All of the vacated East/West alley right-of-way lying North of the northerly extension of the East line of the West 12.5 feet of Lot 9, Block 1, Shepherdson's Addition, to the City of Des Moines, an Official Plat, and lying East of the northerly extension of the East line of Lot 10 of said Block 1, 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 Chief Deputy City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating the said rights-of-way and upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the Chief Deputy City Clerk is authorized and directed to forward the original 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 original 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.

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 Deeds and copies of the other documents to the grantees.

★ **Roll Call Number**

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7. The proceeds from the sale of this property shall be deposited into the following account:
FUND: SP767, ENG980500.

(Council Communication No. 09-541)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

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

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.

MOTION CARRIED APPROVED

Mayor

City Clerk