

Date September 10, 2007

HOLD HEARING FOR VACATION AND CONVEYANCE OF THE EAST/WEST ALLEY BETWEEN DAVIS AVENUE AND OLINDA AVENUE, EXTENDING FROM HIGHLAND STREET TO SW 1ST STREET, TO ADJOINING PROPERTY OWNERS FOR \$400

WHEREAS, on November 20, 2006, by Roll Call No. 06-2292, the City Council adopted a recommendation from the City Plan and Zoning Commission that the East/West alley right-of-way between Davis Avenue and Olinda Avenue, extending from Highland Street to SW 1st Street, 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 August 20, 2007, by Roll Call No. 07-1593, 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 September 10, 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 East/West alley right-of-way between Davis Avenue and Olinda Avenue, extending from Highland Street to SW 1st Street, more specifically described as follows:

All of the East/West alley right-of-way lying North of and adjoining Lots 481 through 486, of the 1st Plat of Clifton Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION APPROVED


Date September 10, 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: Brian D. and Susan B. Applegate for \$100

All of the vacated East/West alley right-of-way lying North of and adjoining Lot 486, and lying North of and adjoining the West 15.0 feet of Lot 485, of the 1st Plat of Clifton Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Daniel Meyer for \$100

All of the vacated East/West alley right-of-way lying North of and adjoining the West 36.67 feet of Lot 484, and lying North of and adjoining the East 35.00 feet of Lot 485, of the 1st Plat of Clifton Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Stephanie R. Wruck for \$100

All of the vacated East/West alley right-of-way lying North of and adjoining Lot 483, and lying North of and adjoining the East 13.33 feet of Lot 484, of the 1st Plat of Clifton Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Al Grimm for \$50

All of the vacated East/West alley right-of-way lying North of and adjoining Lot 482, of the 1st Plat of Clifton Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Theresa M. Staats for \$50

All of the vacated East/West alley right-of-way lying North of and adjoining Lot 481, of the 1st Plat of Clifton Heights, 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 APPROVED
[Handwritten signature]
9/10/07

★ Roll Call Number

Agenda Item Number

70

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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. 07-553)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

PNV

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| HENSLEY | | | | |
| KIERNAN | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| VLASSIS | | | | |
| TOTAL | | | | |
| MOTION CARRIED | | | APPROVED | |

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.

Mayor

City Clerk