

Date December 17, 2007

HOLD HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY FROM THORNTON AVENUE TO ROSE AVENUE, BETWEEN SW 3RD STREET AND SW 4TH STREET, TO ADJOINING PROPERTY OWNERS FOR S725

WHEREAS, on July 26, 2004, by Roll Call No. 04-1567, the City Council adopted a recommendation from the City Plan and Zoning Commission that the North/South alley right-of-way from Thornton Avenue to Rose Avenue, between SW 3rd Street and SW 4th 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 December 3, 2007, by Roll Call No. 07-_____, 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 December 17, 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 right-of-way from Thornton Avenue to Rose Avenue, between SW 3rd Street and SW 4th Street, more specifically described as follows:

All of the North/South alley right-of-way lying East of and adjoining Lots 16 through 20, Devin Place Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED
[Signature]
11/17/07

Date December 17, 2007

3. That the sale and conveyance of such right-of-way, as described below, 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: Polk County Health Services, Inc. for \$200

All of the vacated North/South alley right-of-way lying West of and adjoining the North 67.0 feet of Lot 29, and lying West of and adjoining Lot 30, Devin Place Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Matthew E. and Denise McCullough for \$75

The East 1/2 of the vacated North/South alley right-of-way lying West of and adjoining the South 12.0 feet of Lot 29, Devin Place Addition, an Official Plat, and all of the vacated North/South alley right-of-way lying West of and adjoining the North 53.0 feet of the South 65.0 feet of Lot 29, said Devin Place Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Eric and Tamra Means for \$50

The West 1/2 of the vacated North/South alley right-of-way lying East of and adjoining the South 12.0 feet of Lot 19, Devin Place Addition, an Official Plat, and lying East of and adjoining the North 49.0 feet as measured on the East line of Lot 18 of said Devin Place Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Debbie A. Mahon for \$50

The East 1/2 of the vacated North/South alley right-of-way lying West of and adjoining the North 1/2 of Lot 28, Devin Place Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Jon and Tina Loveless for \$100

The West 1/2 of the vacated North/South alley right-of-way lying East of and adjoining the North 17.0 feet of the South 83.0 feet as measured on the East line of Lot 18, Devin Place Addition, an Official Plat, and all of the vacated North/South alley right-of-way lying East of and adjoining the South 66.0 feet of said Lot 18, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED
11/28/07 13:00

Date December 17, 2007

To: Angelique K. Brookhart for \$100

All of the vacated North/South alley right-of-way lying East of and adjoining the North 72.0 feet of Lot 17, Devin Place Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Tony Marvin and Janet Lou Bass for \$75

All of the vacated North/South alley right-of-way lying East of and adjoining the South 60.0 feet of Lot 17, Devin Place Addition, an Official Plat, and the West ½ of the vacated North/South alley right-of-way lying East of and adjoining Lot 16, said Devin Place Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Donald Schmelling and David Piper for \$75

The East ½ of the vacated North/South alley right-of-way lying West of and adjoining Lot 26, Devin Place Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DEPARTMENT REVIEWED
12/18/07
12:00

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.

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.

★ Roll Call Number

Agenda Item Number

47

Dispositions - Means, et al: Page 4

Date December 17, 2007

(Council Communication No. 07-744)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

COUNCIL ACTION	YKAS	NAYS	PASS	ABSENT
COWNE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAPPEY				
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

ORDINANCE NO. _____

AN ORDINANCE vacating the North/South alley right-of-way from Thornton Avenue to Rose Avenue, between SW 3rd Street and SW 4th Street.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, it is desirable that the public right-of-way herein described be vacated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the North/South alley right-of-way from Thornton Avenue to Rose Avenue, between SW 3rd Street and SW 4th Street, more specifically described as follows, be and is hereby vacated.

All of the North/South alley right-of-way lying East of and adjoining Lots 16 through 20, Devin Place Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 2. The City of Des Moines hereby reserves an easement upon the property described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

DESCRIPTION REVIEWED
[Signature]
11/21/07 1:43p

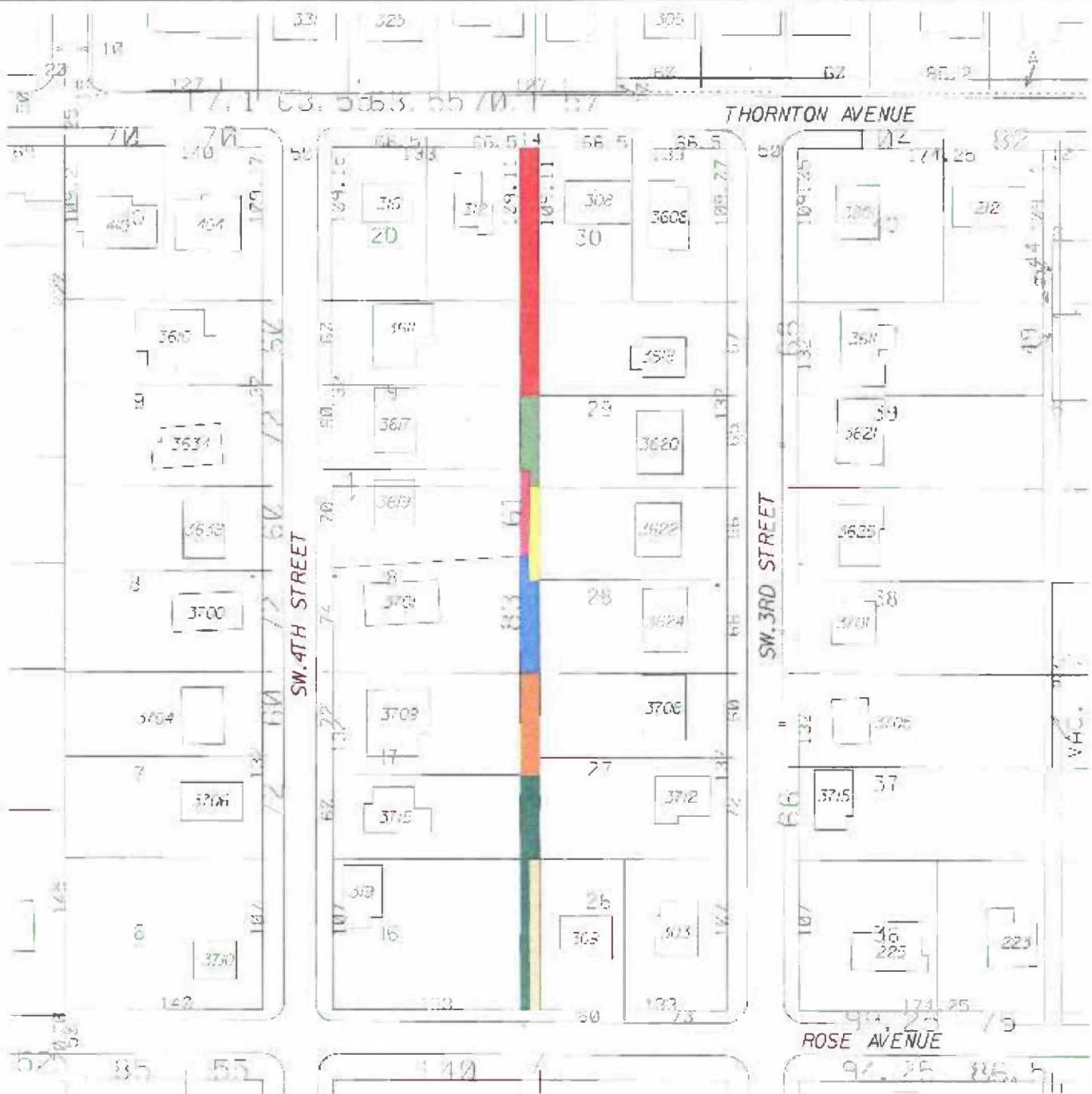
Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

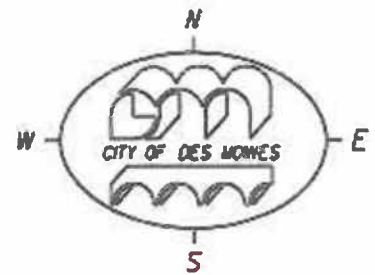
A handwritten signature in cursive script that reads "Glenna K. Frank". The signature is written in black ink and is positioned above a horizontal line.

Glenna K. Frank
Assistant City Attorney

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- POLK CO. HEALTH
- McCULLOUGH
- MAHON
- MEANS
- LOVELESS
- BOOKHART
- BASS
- PIPER



PROPERTY DISPOSITION
N/S ALLEY BETWEEN SW 3RD & 4TH
& BETWEEN THORNTON AND ROSE
ACTIVITY I.D. 34-2008-015