

.....  
**Date** ..... March 12, 2012 .....

**SET HEARING FOR CONVEYANCE OF THE PORTION OF VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY NORTH OF SCOTT AVENUE BETWEEN SE 6<sup>TH</sup> AND SE 7<sup>TH</sup> STREETS ADJOINING 506 SE 7<sup>TH</sup> STREET TO JEANNE M. WARE AND BES M. SANDBERG IN EXCHANGE FOR AN ACCESS RIGHTS DEED REQUIRED FOR THE SOUTHEAST CONNECTOR PROJECT**

**WHEREAS**, on January 6, 1992, by Roll Call No. 92-035, the City Council passed Ordinance No. 11,762 vacating the north/south alley right-of-way north of Scott Avenue between SE 6<sup>th</sup> and SE 7<sup>th</sup> Streets; and

**WHEREAS**, on April 25, 2005, by Roll Call No. 05-969, the City Council authorized acquisition of the necessary right-of-way and easements for the Southeast Connector Project from SW 2<sup>nd</sup> Street to SE 14<sup>th</sup> Street; and

**WHEREAS**, the properties at 500 and 506 SE 7<sup>th</sup> Street, owned by Jeanne M. Ware and Bes M. Sandberg, had access to Allen Street that was eliminated due to the Southeast Connector Project; and

**WHEREAS**, the City Real Estate Division has acquired an Access Rights Deed from Jeanne M. Ware and Bes M. Sandberg acquiring all rights of direct access to their property from Allen Street as required by the Southeast Connector Project, with consideration being conveyance from the City of the adjoining vacated alley to provide comparable access to their property subject to restrictions on use and development of the parcel; and

**WHEREAS**, there is no known current or future public need or benefit for the vacated right-of-way proposed to be exchanged, and the City will not be inconvenienced by the conveyance of said property.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council of the City of Des Moines, Iowa proposes to convey the following described portion of the vacated north/south alley right-of-way north of Scott Avenue between SE 6<sup>th</sup> and SE 7<sup>th</sup> Streets adjoining the real property locally known as 506 SE 7<sup>th</sup> Street to adjoining owners Jeanne M. Ware and Bes M. Sandberg, subject to restrictions on use and development of the parcel, as consideration and in exchange for conveyance by Jeanne M. Ware and Bes M. Sandberg to the City of an Access Rights Deed releasing all rights of direct access between Allen Street and the properties at 500 and 506 SE 7<sup>th</sup> Street as required by the Southeast Connector Project:

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 1 AND 2, BLOCK 47, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. (VACATED BY ORDINANCE NO. 11,762, PASSED JANUARY 6, 1992)

★ **Roll Call Number**

**Agenda Item Number**

**13**

.....  
**Date** ..... March 12, 2012 .....

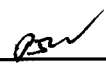
Page 2

2. That the meeting of the City Council at which the conveyance of such real estate is to be considered shall be on March 26, 2012, said meeting to be held at 5:00 p.m., in the Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.
4. There will be no proceeds associated with the exchange of this property.

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

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Glenna K. Frank, Assistant City Attorney



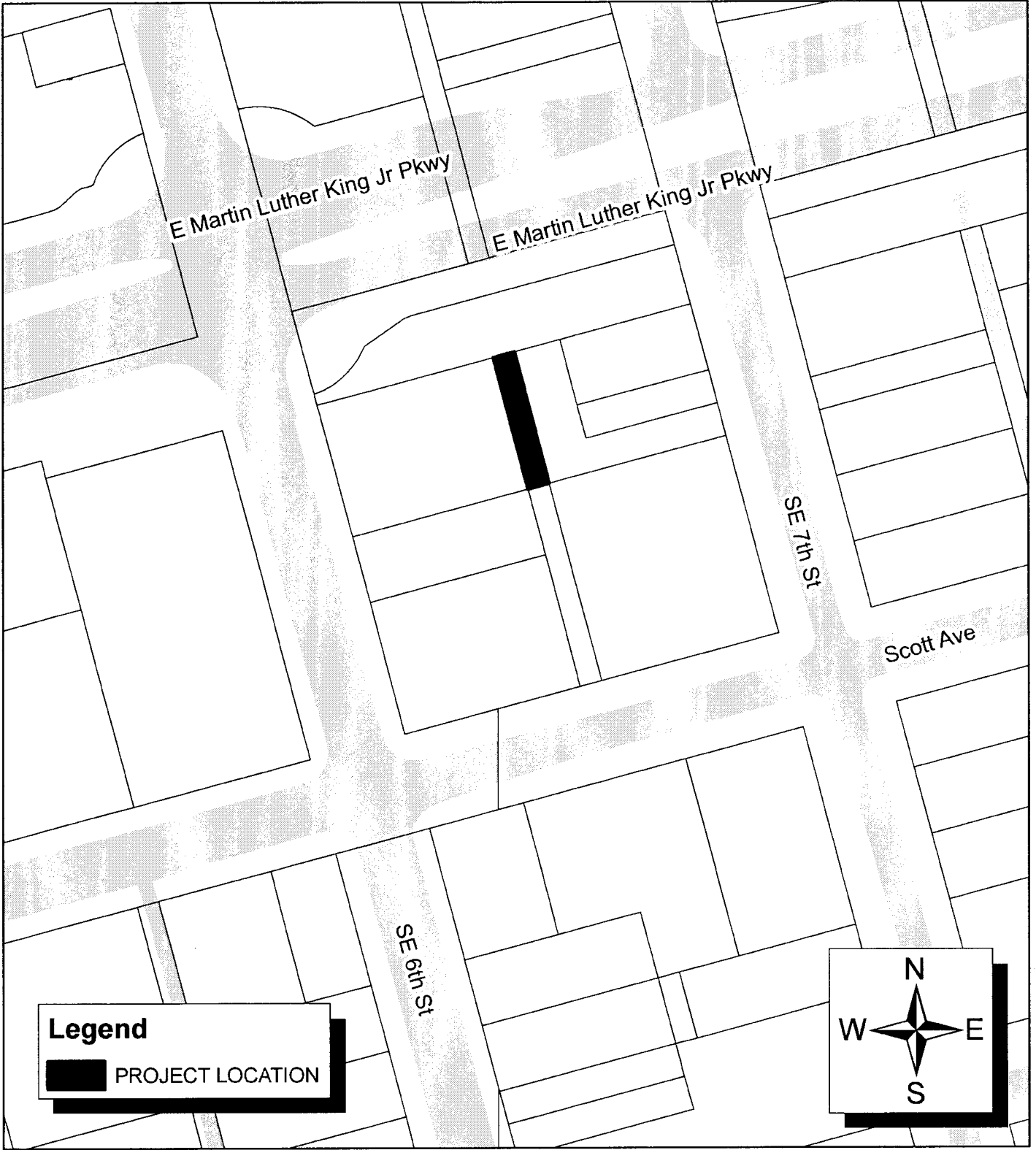
| COUNCIL ACTION | YEAS | NAYS | PASS     | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE         |      |      |          |        |
| COLEMAN        |      |      |          |        |
| GRIESS         |      |      |          |        |
| HENSLEY        |      |      |          |        |
| MAHAFFEY       |      |      |          |        |
| MEYER          |      |      |          |        |
| MOORE          |      |      |          |        |
| 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



**CONVEYANCE OF NORTH/SOUTH ALLEY  
AS PART OF SE CONNECTOR PROJECT  
TO WARE/SANDBERG**