



**Date** March 25, 2013

**HOLD HEARING FOR THE VACATION AND CONVEYANCE OF THE WEST 15 FEET OF SE 15<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING 1437 MAURY STREET TO EDITH C. RUPERTO AND CHARLES W. RUPERTO FOR \$7,821**

**WHEREAS**, on June 8, 2009, by Roll Call No. 09-978, the City Council received a recommendation from the City Plan and Zoning Commission that the west 15 feet of SE 15th Street right-of-way adjoining 1437 Maury Street, hereinafter more fully described, be vacated and sold to the adjoining owner, subject to reservation of easements for existing utilities and the condition that any expansion of the adjoining vehicle display lot onto the requested right-of-way be subject to approval of a Site Plan under Design Guidelines for Vehicle Display Lots by the Plan & Zoning Commission; and

**WHEREAS**, Edith C. Ruperto is the owner of the real property locally known as 1437 Maury Street which abuts said right-of-way, and Edith C. Ruperto and her son Charles W. Ruperto have offered to the City of Des Moines the purchase price of \$7,821 for the vacation and purchase of the fee simple interest in such excess right-of-way to incorporate into the existing adjoining vehicle display lot, which purchase price reflects the fair market value of the property as currently estimated by the City's Real Estate Division; and

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

**WHEREAS**, on March 11, 2013, by Roll Call No. 13-0396, 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 March 25, 2013, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate and convey said 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 or benefit for the right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the west 15 feet of SE 15<sup>th</sup> Street right-of-way adjoining 1437 Maury Street, more specifically described as follows:

THE WEST 15 FEET OF SOUTHEAST 15<sup>TH</sup> STREET (FORMERLY KNOWN AS 17<sup>TH</sup> STREET) LYING EAST OF AND ADJOINING THE NORTH 474 FEET OF LOT 62, BROOKS & CO'S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. (CONTAINING APPROXIMATELY 7,110 SQ FT, 0.16 ACRES.)

3. The proposed sale of such vacated right-of-way, as described below, to Edith C. Ruperto and Charles W. Ruperto for \$7,821, in accordance with the requirements of the Plan and Zoning Commission recommendations as stated above, be and is hereby approved:

Date March 25, 2013

THE VACATED WEST 15 FEET OF SOUTHEAST 15<sup>TH</sup> STREET (FORMERLY KNOWN AS 17<sup>TH</sup> STREET) LYING EAST OF AND ADJOINING THE NORTH 474 FEET OF LOT 62, BROOKS & CO'S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. (CONTAINING APPROXIMATELY 7,110 SQ FT, 0.16 ACRES.)

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance 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 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 original of the Deed, 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 Deed, 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 original of the Quit Claim Deed and copies of the other documents to the grantees.
8. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Fund, FUND: SP767, ORG: ENG980500.

(Council Communication No. 13- 145)

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

APPROVED AS TO FORM:

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

*PSW*

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