

Date May 20, 2013

HOLD HEARING FOR CONVEYANCE OF THE VACATED NORTH/SOUTH ALLEY LYING WEST OF AND ADJOINING 3808 SW 2ND STREET TO DIANA MEYERS FOR \$75

WHEREAS, on September 16, 1996, by Roll Call No. 96-3200, City Council approved and adopted Ordinance No. 13,376 vacating the north/south alley right-of-way between SW 2nd and SW 3rd Streets and between Rose and Watrous Avenues; and

WHEREAS, Diana Meyers is the owner of the real property locally known as 3808 SW 2nd Street adjoining a portion of said vacated alley ("Property"), and has offered to the City of Des Moines the purchase price of \$75.00 for the purchase of a fee simple interest in the Property, which 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 for the Property proposed to be sold and the City will not be inconvenienced by the sale of said Property; and

WHEREAS, on May 6, 2013 by Roll Call No. 13-0716, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on May 20, 2013, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey this public real property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in this proposed 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, any and all objections to the proposed conveyance of the real property as described below are hereby overruled and the hearing is closed.
2. There is no public need for the vacated right-of-way described below and the public would not be inconvenienced by reason of the conveyance of the following legally described segment of the north/south alley right-of-way between SW 2nd and SW 3rd Streets and between Rose and Watrous Avenues, as vacated by Ordinance No. 13,376, which segment adjoins the real property locally known as 3808 SW 2nd Street, Des Moines, to Diana Meyers for \$75.00, subject to reservation of easement for existing utilities:

THE WEST HALF (1/2) OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 34, IN DEVIN PLACE ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

THE EAST HALF (1/2) OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING THE SOUTH 72 FEET OF LOT 44, IN DEVIN PLACE ADDITION, AN OFFICIAL PLAT,

Date May 20, 2013

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That the sale and conveyance of such property to Diana Meyers for \$75.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. 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 Deed and copies of the other documents to the grantee.
8. The proceeds from the sale of this property will be deposited into the following account: Fund: SP767, Org: ENG980500.

(Council Communication No. 13- 249)

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				
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