

Date May 20, 2013

HEARING FOR VACATION AND CONVEYANCE OF THE SOUTH 45 FEET OF GUTHRIE AVENUE RIGHT-OF-WAY ADJOINING 2223 EAST 21ST STREET TO SUSAN AND BRENT SODDERS FOR \$500

WHEREAS, on February 25, 2013 by Roll Call No. 13-0305, the City Council received a recommendation from the City Plan and Zoning Commission that the south 69.2 feet of Guthrie Avenue adjoining 2223 East 21st Street be vacated, subject to easement for all existing utilities until such time as they are relocated at the applicant's expense and subject to retention of right-of-way within 12 feet of the south curb line along Guthrie Avenue; and

WHEREAS, in accordance with the Plan and Zoning Commission recommendation, the City's Traffic and Transportation Division and Real Estate Division staff have determined that the street improvements within and north of the south curb line along Guthrie Avenue should be retained by the City in addition to the right-of-way within 12 feet of the south curb line along Guthrie Avenue, and that the remaining south 45 feet of Guthrie Avenue right-of-way adjoining 2223 East 21st Street should be considered for vacation; and

WHEREAS, Susan and Brent Soddors are the owners of the real property locally known as 2223 East 21st Street that abuts said right-of-way, and have offered to the City of Des Moines the purchase price of \$500.00 for the vacation and purchase of a fee simple interest in such excess right-of-way as legally described below, for residential side yard expansion, 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 May 6, 2013, by Roll Call No. 13-0713, 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 May 20, 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, any and all objections to the 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 City-owned right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the south 45 feet of Guthrie Avenue adjoining the real property locally known as 2223 East 21st Street, more specifically described as follows:

THE SOUTH 45 FEET OF LOT 32, BLOCK 27 OF EASTON PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Date May 20, 2013

3. That the sale and conveyance of such vacated right-of-way to Susan and Brent Soddors for \$500.00, described as follows, together with payment by such grantees of the estimated publication and recording costs for this transaction, be and is hereby approved subject to reservation of easement for existing utilities:

THE VACATED SOUTH 45 FEET OF LOT 32, BLOCK 27 OF EASTON PLACE, 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 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.

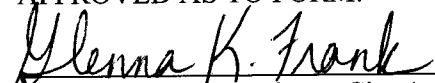
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantees.

8. The proceeds from the sale of this property will be deposited into the following account: Fund: SP767, Org: ENG980500.

(Council Communication No. 13- 250)

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