

Date October 21, 2013

**HOLD HEARING FOR VACATION AND CONVEYANCE OF THE NORTH 20 FEET OF RAILROAD AVENUE RIGHT-OF-WAY ADJOINING 918 SE 11<sup>TH</sup> STREET TO YOUTH EMERGENCY SERVICES AND SHELTER FOR \$6,000**

**WHEREAS**, on October 7, 2013, by Roll Call No. 13-1560, the City Council received a recommendation from the City Plan and Zoning Commission that the north 20 feet of Railroad Avenue (also known as East Railroad Avenue) south of and adjoining 918 SE 11<sup>th</sup> Street (“City Right-of-Way”), hereinafter more fully described, be vacated for conveyance to the adjoining property owner, subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated; and

**WHEREAS**, Youth Emergency Services and Shelter (“YESS”) is the owner of the real property locally known as 918 SE 11<sup>th</sup> Street, which adjoins the City Right-of-Way, and has offered to the City of Des Moines the purchase price of \$6,000 for the purchase of the City Right-of-Way for incorporation into their property and redevelopment for possible setback purposes and to minimize risk of missing the current property line for footings, which purchase price reflects the fair market value of the City Right-of-Way 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 October 7, 2013, by Roll Call No. 13-1559, 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 October 21, 2013, 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 or benefit for the excess City-owned right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the north 20 feet of Railroad Avenue (also known as East Railroad Avenue) right-of-way south of and adjoining 918 SE 11<sup>th</sup> Street, more specifically described as follows:

THE NORTH 20 FEET OF THE EAST RAILROAD AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK 6, ALLEN’S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

3. The proposed sale of such vacated right-of-way, as legally described below, to Youth Emergency Services and Shelter (YESS) for \$6,000.00, and in accordance with the requirements of the Plan and Zoning Commission recommendation, is hereby approved:

**Date** October 21, 2013

THE VACATED NORTH 20 FEET OF THE EAST RAILROAD AVENUE RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK 6, ALLEN'S SECOND ADDITION TO DES MOINES, 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 grantee.

8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. **13-518**)

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