

Date December 9, 2013

**HOLD HEARING FOR CONVEYANCE OF A PORTION OF THE VACATED NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED EAST OF AND ADJACENT TO 1423 E. 16TH STREET TO WEST BANK AS CONSERVATOR FOR THE NYALAT DAK CONSERVATORSHIP, THE NYAWAL DAK CONSERVATORSHIP, AND THE SHAMKUER DAK CONSERVATORSHIP, FOR \$25**

**WHEREAS**, on January 4, 1961, by Roll Call No. 5, City Council approved and adopted Ordinance No. 6330 vacating all of the north/south alley right-of-way north of Cleveland Avenue and south of Washington Avenue between East 16<sup>th</sup> Street and McCormick Street including the portion thereof adjoining 1423 East 16<sup>th</sup> Street ("Property"), subject to the reservation of an easement for all utilities in place and reservation of right of entry for servicing same; and

**WHEREAS**, the Nyalat Dak Conservatorship, the Nyawal Dak Conservatorship, and the Shamkuer Dak Conservatorship collectively own 1423 East 16<sup>th</sup> Street adjoining said Property, and West Bank as Conservator and on behalf of each of said Conservatorships has offered to the City of Des Moines the purchase price of \$25.00 for the purchase of such 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 November 18, 2013 by Roll Call No. 13-1793, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on December 9, 2013, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey the 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 the 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, the objections to the proposed conveyance of the vacated alley right-of-way as described below are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of the portion of the vacated north/south alley right-of-way north of Cleveland Avenue and south of Washington Avenue between East 16<sup>th</sup> Street and McCormick Street adjoining 1423 East 16<sup>th</sup> Street, more specifically described below and to the grantees and for the consideration identified below, subject to reservation of easements therein, and said conveyance is hereby approved:

To: West Bank as Conservator for the Nyalat Dak Conservatorship, and West Bank as Conservator for the Nyawal Dak Conservatorship, and West Bank as Conservator for the Shamkuer Dak Conservatorship.

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Date December 9, 2013

For: \$25.00

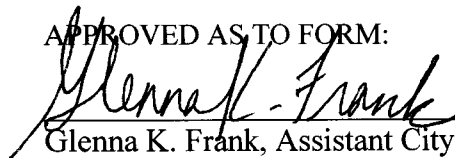
Legal Description:

THE WEST HALF OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 127, IN EAST CAPITAL PARK, AN OFFICIAL PLAT, (ALLEY VACATED BY ORDINANCE 6330), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

3. The Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. 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.
5. 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.
6. 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 grantees.
7. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 13-\_\_\_\_\_)

APPROVED AS TO FORM:

  
 Glenna K. Frank, Assistant City Attorney

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MOORE				
<b>TOTAL</b>				
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