

Date April 21, 2014

**HOLD HEARING FOR VACATION AND CONVEYANCE OF THE
REMAINING SEGMENT OF EAST/WEST ALLEY RIGHT-OF-WAY ADJOINING
306 EAST 3RD STREET TO 201 EAST LOCUST, LLC, FOR \$31,000**

WHEREAS, on March 9, 2009, by Roll Call No. 09-379, the City Council received a recommendation from the City Plan and Zoning Commission that a segment of the east/west alley right-of-way between East Locust Street and East Walnut Street, running 88 feet west of East 3rd Street (“City Right-of-Way”), be vacated subject to reservation of easement for existing utilities; and

WHEREAS, 201 East Locust, LLC, is the owner of real property abutting the City Right-of-Way and has offered to the City of Des Moines the purchase price of \$31,000 for the vacation and purchase of the Right-of-Way for incorporation into the adjoining property, which price reflects the fair market value of the City Right-of-Way as determined by the City’s Real Estate Division; and

WHEREAS, there is no known current or anticipated public benefit or need for the City Right-of-Way that is proposed to be vacated, and the City will not be inconvenienced by the proposed vacation and sale of the City Right-of-Way; and

WHEREAS, on April 7, 2014, by Roll Call No. 14-0542, it was duly resolved by the City Council that the proposed vacation and conveyance of the City Right-of-Way be set down for hearing on April 21, 2014, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey the City 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 City Council direction, those interested in the 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the alley right-of-way as described herein are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the City right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of a segment of the east/west alley right-of-way between East Locust Street and East Walnut Street, running 88 feet west of East 3rd Street, as legally described below, and said vacation is hereby approved:

Date April 21, 2014

EXCEPT THE WEST 44 FEET - ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 6 IN BLOCK G, SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1408 SQUARE FEET.

3. The proposed sale of such vacated right-of-way, as legally described below, to 201 East Locust, LLC for \$31,000.00, together with payment by said grantee of the estimated publication and recording costs for this transaction, subject to the reservation of easements therein, is hereby approved:

EXCEPT THE WEST 44 FEET - ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 6 IN BLOCK G, SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1408 SQUARE FEET.

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 grantees.

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

★ Roll Call Number

Agenda Item Number

52

Page 3

Date April 21, 2014

(Council Communication No. 14-159)

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				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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