

Date September 8, 2014

**HOLD HEARING FOR THE VACATION AND CONVEYANCE OF SEGMENTS OF
24TH STREET, 24TH DRIVE AND WASHINGTON AVENUE IN THE VICINITY OF
1620 24TH STREET, AND THE CONVEYANCE OF A PORTION OF
VACATED 24TH PLACE ADJACENT TO 1620 24TH STREET, TO
ERICH J. RIESENBERG LIVING TRUST FOR \$1,200**

WHEREAS, on March 28, 2005, by Roll Call Nos. 05-770 and 05-772, City Council passed Ordinance No. 14,426 vacating an undeveloped segment of 24th Place between a point 330 feet north of College Avenue and 24th Street, subject to reservation of an easement upon the property for continued use and maintenance of any utilities in place and right-of-entry for servicing same, and further approved the sale of said vacated right-of-way to Edward J. Lint for \$400.00, which sale thereafter was not completed; and

WHEREAS, on July 28, 2014, by Roll Call No. 14-1134, City Council received a recommendation from the City Plan and Zoning Commission that segments of City right-of-way in the vicinity of 1620 24th Street, hereinafter more fully described, be vacated subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated; and

WHEREAS, Erich J. Riesenber, as Trustee of the Erich J. Riesenber Living Trust, owner of the adjoining property located at 1620 24th Street, has offered to the City of Des Moines the purchase price of \$1,200.00 for the vacation of segments of City right-of-way in the vicinity of 1620 24th Street and the purchase of a portion of previously vacated 24th Place right-of-way (collectively "City Right-of-Way"), for incorporation into the Trust's adjoining property, which 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 portion of the City Right-of-Way proposed to be vacated, or for the City Right-of-Way proposed to be sold, and the City will not be inconvenienced by the vacation and sale of said property; and

WHEREAS, on August 25, 2014, by Roll Call No. 14-1289, it was duly resolved by the City Council that the proposed vacation of segments of City right-of-way in the vicinity of 1620 24th Street and conveyance of the City Right-of-Way be set down for hearing on September 8, 2014, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate segments of City right-of-way in the vicinity of 1620 24th Street 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 of segments of City right-of-way in the vicinity of 1620 24th Street and conveyance of the City Right-of-Way, as described herein, are hereby overruled and the hearing is closed.

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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 segments of City right-of-way in the vicinity of 1620 24th Street, locally known and legally described below, and said vacation is hereby approved:

Locally known as:

- (A) The west 15 feet of 24th Street east of and adjoining 1620 24th Street.
- (B) The west 15 feet of 24th Drive between vacated 24th Place and Washington Avenue.
- (C) Washington Avenue from 24th Drive to a point approximately 166 feet to the west.

Legally described as:

THE WEST 15 FEET OF 24TH STREET RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 18, 19 AND 20, SNYDER PLACE, AN OFFICIAL PLAT,
AND;
THE WEST 15 FEET OF 24TH DRIVE RIGHT OF WAY LYING EAST OF AND ADJOINING LOT 1, SNYDER PLACE, AND LYING EAST OF AND ADJOINING VACATED 24TH PLACE RIGHT OF WAY,
AND;
ALL OF WASHINGTON AVENUE RIGHT OF WAY LYING BETWEEN THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 1 AND THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE VACATED WEST 15 FEET OF 24TH DRIVE RIGHT OF WAY (SAID WEST 15 FEET VACATED BY ORDINANCE 15,171),
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 and a portion of previously vacated 24th Place right-of-way, all as legally described below, to Erich J. Riesenber, as Trustee for the Erich J. Riesenber Living Trust for \$1,200, together with payment by said grantee of the estimated publication and recording costs for this transaction, subject to the requirements of the Plan and Zoning Commission recommendation, is hereby approved:

THE VACATED WEST 15 FEET OF 24TH STREET RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 18, 19 AND 20, SNYDER PLACE, AN OFFICIAL PLAT,
AND;
THE VACATED WEST 15 FEET OF 24TH DRIVE RIGHT OF WAY LYING EAST OF AND ADJOINING LOT 1, SNYDER PLACE, AND LYING EAST OF AND ADJOINING VACATED 24TH PLACE RIGHT OF WAY,
AND;
ALL OF VACATED WASHINGTON AVENUE RIGHT OF WAY LYING BETWEEN THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 1 AND THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE VACATED WEST 15 FEET OF 24TH DRIVE RIGHT OF WAY (SAID WEST 15 FEET VACATED BY ORDINANCE 15,171),
AND;
THAT PORTION OF VACATED 24TH PLACE RIGHT OF WAY LYING NORTHWESTERLY OF AND ADJOINING SAID LOT 20, EXTENDING NORTHEASTERLY FROM THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 20 (SAID PORTION OF VACATED 24TH PLACE WAS VACATED BY ORDINANCE 14,426),

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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 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.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

(Council Communication No. 14-439)

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