

Date October 6, 2014

**HOLD HEARING FOR THE VACATION AND CONVEYANCE OF A SEGMENT OF EAST/WEST ALLEY RIGHT-OF-WAY ADJOINING 1204 HARTFORD AVENUE TO RJS PROPERTIES, LLC FOR \$25, AND THE CONVEYANCE OF A SEGMENT OF EAST/WEST ALLEY RIGHT-OF-WAY ADJOINING 916 AND 920 HARTFORD AVENUE TO EASTER LAKE ESTATES, INC. FOR \$75**

**WHEREAS**, March 3, 1975, by Roll Call No. 1018, City Council adopted a recommendation from the City Plan and Zoning Commission approving a request for the vacation and conveyance of various street and alley rights-of-way in the vicinity of SE 10<sup>th</sup> Street and Hillside Avenue, including the portions thereof adjoining 920 Hartford Avenue and 1204 Hartford Avenue, subject to the reservation of easements for any existing utilities and reservation of right of entry for servicing same; and

**WHEREAS**, on November 17, 1975, by Roll Call No. 5167, City Council approved and adopted Ordinance No. 9002 vacating the street and alley rights-of-way in the vicinity of SE 10<sup>th</sup> Street and Hillside Avenue, including the portions thereof adjoining 920 Hartford Avenue and 1204 Hartford Avenue, (except the south 8 feet of alley right-of-way lying north of and adjoining Lot 12, Valentine, an Official Plat) subject to the reservation of easements for any existing utilities and reservation of right of entry for servicing same; and

**WHEREAS**, on June 20, 1983, by Roll Call No. 2831, City Council adopted a recommendation from the City Plan and Zoning Commission approving a request for the vacation and conveyance of the east/west alley right-of-way in the vicinity of SE 9<sup>th</sup> Street and Hillside Avenue, including portions thereof adjoining 916 Hartford Avenue, subject to the reservation of easements for any existing utilities and reservation of right of entry for servicing same; and

**WHEREAS**, on October 17, 1983, by Roll Call No. 4972, City Council approved and adopted Ordinance No. 10,375 vacating the east/west alley right-of-way in the vicinity of SE 9<sup>th</sup> Street and Hillside Avenue, including the portions thereof adjoining 916 Hartford Avenue, subject to the reservation of easements for any existing utilities and reservation of right of entry for servicing same; and

**WHEREAS**, RJS Properties, LLC, owner of 1204 Hartford Avenue, has offered to the City of Des Moines the purchase price of \$25 for the vacation and conveyance of the alley right-of-way adjoining 1204 Hartford Avenue; and Easter Lake Estate, Inc., owner of 916 and 920 Hartford Avenue has offered to the City of Des Moines the purchase price of \$75 for the conveyance of the alley right-of-way adjoining 916 and 920 Hartford Avenue, (collectively "City Right-of-Way"), for incorporation into their respective 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 City 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

Date..... October 6, 2014.....

**WHEREAS**, on September 22, 2014, by Roll Call No. 14-1463, 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 October 6, 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 City 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 adjoining 1204 Hartford Avenue, legally described as follows, and said vacation is hereby approved:

THE SOUTH 8 FEET OF EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 12, VALENTINE, 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 and a segment of the vacated east/west alley right-of-way adjoining 916 and 920 Hartford Avenue, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements therein and to the Plan and Zoning Commission recommendation, and said conveyance is hereby approved:

To: RJS Properties, LLC  
For: \$25.00

THE SOUTH HALF (1/2) OF THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING THE EAST HALF (1/2) OF LOT 12, IN VALENTINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 240 SQUARE FEET.

Date October 6, 2014

To: Easter Lake Estates, Inc.  
For: \$75

THE SOUTH HALF (1/2) OF THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING THE EAST HALF (1/2) OF LOT 10, AND LYING NORTH OF AND ADJOINING ALL OF LOT 11, AND LYING NORTH OF AND ADJOINING THE WEST HALF (1/2) OF LOT 12, ALL IN VALENTINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 960 SQUARE FEET.

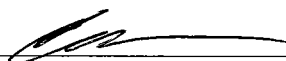
4. The Mayor is authorized and directed to sign the Offers to Purchase and Quit Claim Deeds for the conveyances as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Deeds, 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 Deeds, 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 Deeds 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.

(Council Communication No. 14-482)

Date October 6, 2014

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

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Cori Kuhn Coleman  
 Assistant City Attorney

*RAU*

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