

Date November 3, 2014

HOLD HEARING FOR VACATION AND CONVEYANCE OF PORTIONS OF MAURY STREET AND ALLEY RIGHT-OF-WAY ADJOINING 724 EAST 14TH STREET TO JORDAN FLATT, FOR \$8,750

WHEREAS, on August 23, 2004, by Roll Call No. 04-1766, City Council received a recommendation from the City Plan and Zoning Commission approving a request from Jay Flatt, d/b/a Flatt Tire Center, that the alley and street right-of-way adjoining 724 East 14th Street ("City Right-of-Way") be vacated and conveyed, subject to the reservation of various easements for utilities and access; and

WHEREAS, said right-of-way was neither vacated nor conveyed to Jay Flatt, d/b/a Flatt Tire Center; and

WHEREAS, Jordan Flatt, current owner of the property at 724 East 14th Street has offered to the City of Des Moines the purchase price of \$8,750.00 for the vacation and purchase of the City Right-of-Way for incorporation into his adjoining property, and subject to the reservation of a no-build easement across all the City Right-of-Way, an access easement across the north/south alley right-of-way, and easements for all existing utilities in place until such time as they are relocated, and reservation of right of entry for servicing same, 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 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 20, 2014, by Roll Call No. 14-1626, it was duly resolved by the City Council that the proposed vacation of portions of Maury Street and alley right-of-way adjoining 724 East 14th Street, and the conveyance of the City Right-of-Way, be set down for hearing on November 3, 2014, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate portions of Maury Street and alley right-of-way adjoining 724 East 14th 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:

Date November 3, 2014

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation of portions of Maury Street and alley right-of-way adjoining 724 East 14th Street 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 right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of portions of Maury Street and alley right-of-way adjoining 724 East 14th Street, as legally described below, and said vacation is hereby approved:

Alleys Legal Description

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOTS 1 AND 2, AND LYING EAST OF AND ADJOINING THE NORTH 20 FEET OF LOT 3, BLOCK 17, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT; AND THE NORTH 20.0 FEET OF SAID LOT 3, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 5422 SQUARE FEET.

Maury Street Legal Description (Parcel D)

A PART OF MAURY STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING BLOCK 17, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK 17; THENCE NORTH 75°(DEGREES) 00'(MINUTES) 24"(SECONDS) EAST ALONG THE SOUTHERLY LINE OF SAID BLOCK, 159.04 FEET TO THE SOUTHWEST CORNER OF LOT 6 OF SAID BLOCK; THENCE SOUTH 14°46'41" EAST ALONG A PROJECTED WESTERLY LINE OF SAID LOT 6, A DISTANCE OF 41.52 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DEEDED IN BOOK 1471, PAGE 379; THENCE SOUTH 89°52'56" EAST ALONG THE SOUTH LINE OF SAID PROPERTY, 56.51 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTHEAST 14TH STREET, AS PRESENTLY ESTABLISHED; THENCE SOUTH 0°14'52" WEST ALONG THE PROJECTED WEST RIGHT OF WAY, 5.52 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 32.62 FEET AND WHOSE CHORD BEARS SOUTH 37°37'38" WEST, 30.35 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 7, HOUCK'S SUBDIVISION OF LOTS 1, 2, 3, & 4 BLOCK 18 OF ALLENS 2ND ADDITION TO DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES; THENCE SOUTH 75°00'24" WEST ALONG SAID NORTHERLY LINE OF SAID LOT 7, A DISTANCE OF 34.63 FEET TO A POINT 80.00 FEET NORTH OF AND PERPENDICULAR TO THE SOUTHERLY RIGHT OF WAY LINE OF MAURY STREET, AS PRESENTLY ESTABLISHED; THENCE NORTH 88°12'44" WEST PARALLEL TO SAID SOUTHERLY RIGHT OF WAY, 159.67 FEET TO THE PROJECTED WEST LINE OF SAID BLOCK 17; THENCE NORTH 15°37'30" WEST ALONG SAID PROJECTED LINE, 33.90 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.25 ACRES (10718 SQ. FT.)

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3. The proposed sale of portions of Maury Street and alley right-of-way adjoining 724 East 14th Street, all as legally described below, to Jordan Flatt for \$8,750, 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 including the reservation of a no-build easement across all the City Right-of-Way, an access easement across the north/south alley right-of-way, and easements for all existing utilities in place until such time as they are relocated, is hereby approved:

Alleys Legal Description

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOTS 1 AND 2, AND LYING EAST OF AND ADJOINING THE NORTH 20 FEET OF LOT 3, BLOCK 17, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT; AND THE VACATED NORTH 20.0 FEET OF SAID LOT 3, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 5422 SQUARE FEET.

Maury Street Legal Description (Parcel D)

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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:



 Cori Kuhn Coleman
 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