

Date July 13, 2015

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY ADJOINING  
3601 FOREST AVENUE TO WILLIAM AND MARCY ESSY FOR \$50 AND CITY-  
OWNED PROPERTY ADJOINING 1424 BEAVER AVENUE TO FRANK, MARY, AND  
ANN DEMARCO FOR \$50**

**WHEREAS**, on May 19, 1980, by Roll Call 2317, the City of Des Moines approved Ordinance No. 9755 vacating Lot B and that portion of Lot A west of an adjacent to Lots 15 through 17 and the south 5 feet of Lot 14 in Van Slykes Oakdale ('Property'); and

**WHEREAS**, William and Marcy Essy, owners of 3601 Forest Avenue, and Frank, Mary, and Ann DeMarco, owners of 1424 Beaver Avenue, have offered to the City of Des Moines the purchase price of \$50.00 each, respectively, for the purchase of such City-owned vacated right-of-way for incorporation into their residential properties, which price reflects the fair market value of the Property as currently estimated by the City's Real Estate Division; and

**WHEREAS**, the City of Des Moines has no current or anticipated public need for the Property, and the City will not be inconvenienced by the sale and conveyance of said Property; and

**WHEREAS**, on June 22, 2015, by Roll Call No. 15-1015, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on July 13, 2015, 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, any and all objections to the proposed conveyance of excess City-owned real property, as described below, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the vacated right-of-way, legally described and to the adjoining owners as follows:

Date July 13, 2015

To: William J. Essy and Marcy Essy

For: \$50.00

Legal Description: THE SOUTH 42 FEET, MEASURED ON THE SOUTHWEST LINE, OF LOT B, VAN SLYKE'S-OAKDALE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1993 SQUARE FEET.

To: Frank J. DeMarco, Mary D. DeMarco, and Ann DeMarco

For: \$50.00

Legal Description: THE NORTHEAST ½ OF VACATED LOT A LYING SOUTHWEST OF AND ADJOINING THE SOUTHEAST 70 FEET OF LOT 16, VAN SLYKE'S OAKDALE, AN OFFICIAL PLAT, 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 Offers to Purchase and Quit Claim Deeds 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 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.
5. 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.
6. 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.
7. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

★ Roll Call Number

Agenda Item Number

53

Date July 13, 2015

(Council Communication No. 15- 387 )

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

APPROVED AS TO FORM:

*(Signature)*  
 Lisa A. Wieland, Assistant City Attorney

*can*

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