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Date July 27, 2015

SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF THE EAST/WEST ALLEY BETWEEN OLINDA AVENUE AND FULTON DRIVE, EAST OF HIGHLAND STREET, TO DANIEL LEAMING AND ANDREA LEAMING FOR \$50.00 AND TO DOUGLAS MCGILLIVRAY FOR \$100.00

WHEREAS, on January 23, 1989, by Roll Call No. 89-242, City Council passed Ordinance Number 11,252 vacating the east/west alley right-of-way between Highland Street and South Union Street, north of Olinda Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are relocated, and reservation of right of entry for servicing same; and

WHEREAS, Daniel and Andrea Leaming, owners of 114 Fulton Drive, have offered to the City of Des Moines the purchase price of \$50.00 for the purchase of the portion of the vacated alley right-of-way adjoining 114 Fulton Drive for incorporation into their residential property, which price reflects the fair market value of said portion of vacated alley right-of-way as currently estimated by the City's Real Estate Division; and

WHEREAS, Douglas W. McGillivray, owner of 111 Olinda Avenue, has offered to the City of Des Moines the purchase price of \$100.00 for the purchase of the portion of the vacated alley-right-of-way adjoining 111 Olinda Avenue for incorporation into his residential property, which price reflects the fair market value of said portion of vacated alley right-of-way as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the vacated alley right-of-way proposed to be sold and the City will not be inconvenienced by the sale of said property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

- 1. The City Council of the City of Des Moines, Iowa, proposes to sell the portion of the east/west alley right-of-way between Highland Street and South Union Street, north of Olinda Avenue and adjoining 114 Fulton Drive and 111 Olinda Avenue, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

To: Daniel F. Leaming and Andrea M. Leaming
For: \$50.00

THE NORTH HALF OF THE VACATED EAST-WEST ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOTS 333 AND 334, FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES

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MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 640 SQUARE FEET.

And,

To: Douglas W. McGillivray

For: \$100.00

ALL OF THE VACATED EAST-WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 353 AND 354 IN THE FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1,280 SQUARE FEET.

2. That the meeting of the City Council at which the sale and conveyance of such right-of-way is to be considered shall be on August 10, 2015, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

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

Moved by _____ to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland
Assistant City Attorney

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

SW 1st St

Fulton Dr

Highland St



Owner:
Leaming

Owner:
McGillivray

Owner:
McGillivray

Olinda Ave

Legend

-  Area to be Conveyed to Leaming
-  Area to be Conveyed to McGillivray

