

Date July 27, 2015

**HOLD HEARING TO CORRECT VACATION AND TO VACATE AND CONVEY THE
EAST/WEST ALLEY ADJOINING 1500 WOODLAND AVENUE, 615 16TH STREET AND
1530 WOODLAND AVENUE**

WHEREAS, on November 19, 2001, by Roll Call No. 01-3474, the City Council passed Ordinance No. 14,022, vacating a portion of the alley between 15th and 16th Streets and Woodland Avenue and High Street adjoining 1500 Woodland Avenue; and

WHEREAS, on November 19, 2001, by Roll Call No. 01-3472, the City Council further approved the sale and conveyance of such vacated alley right-of-way to adjoining owner Woodland Avenue Partners L.C. for \$35,000, subject to conditions including provision of a new public through access easement within the proposed parking lot to ensure proper traffic circulation and fire protection access for the subject property and surrounding property and limiting the access onto 15th Street to one driveway for the site with a private access easement for the property adjoining to the south; and

WHEREAS, on June 22, 2015, by Roll Call No. 15-1013, City Council received a recommendation from the City Plan and Zoning Commission approving a request from Traci Giles for the vacation of the remaining segment of east/west alley right-of-way between Woodland Avenue and High Street from 16th Street to a point approximately 99 feet to the east, adjoining Ms. Giles property at 615 16th Street and immediately west of the property vacated and conveyed by Roll Call Nos. 01-3474 and 01-3472, subject to the following conditions:

1. Provision of any necessary easements for all existing utilities until such time as they are abandoned or relocated; and
2. Amendment of the Woodland Brickstone Site Plan (1500 Woodland Avenue) removing the requirement of alley access and identifying any site modifications such as the creation of additional parking spaces or other site changes; and

WHEREAS, Traci Giles, owner of 615 16th Street, 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 615 16th Street for incorporation into her 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, Johnny Brafford and Jennifer Katz Brafford, owners of 1530 Woodland Avenue, 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 1530 Woodland Avenue 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, 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; and

WHEREAS, the vacation and conveyance of the remaining alley right-of-way adjoining 615 16th Street and 1530 Woodland Avenue, and the Plan and Zoning Commission condition requiring removal of the requirement of alley access, necessitate correction of Ordinance No. 14,022 to remove said conditions from the ordinance and from the deed conveying the property to Woodland Avenue Partners, L.P.; and

WHEREAS, on July 13, 2015, by Roll Call No. 15-1135, it was duly resolved by the City Council that the proposed vacation and conveyance of the City alley right-of-way be set down for hearing on July 27, 2015, at 5:00 p.m., in the City Council Chambers; and

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WHEREAS, due notice of said proposal to vacate and convey the City alley 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 east/west alley right-of-way adjoining 1500 Woodland Avenue, 615 16th Street, and 1530 Woodland Avenue, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the east/west alley right-of-way adjoining 1500 Woodland Avenue, 615 16th Street, and 1530 Woodland Avenue, legally described as follows, for the purpose of correcting and releasing the above-listed conditions included in Ordinance No. 14,022 and conveying the adjoining alley right-of-way as set forth herein, and said vacation is hereby approved:

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY IN BLOCK E OF THE SUBDIVISION OF LOT 6 OF THE PURSLEY ESTATE, AN OFFICIAL PLAT, AND ALL OF THE EAST/WEST ALLEY RIGHT OF WAY IN BLOCK 2 OF J.M. GRIFFITH'S SUBDIVISION OF LOT 5 OF PURSLEY'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The City shall issue a Corrective Quit Claim Deed for the property specifically described as follows to Woodland Avenue Partners L.P., for the purpose of correcting and releasing the above-listed conditions included in the Quit Claim Deed recorded at Book 9066, Page 581 in the office of the Polk County Recorder:

THE VACATED SIXTEEN FOOT (16') EAST/WEST ALLEY RIGHT-OF-WAY BETWEEN WOODLAND AVENUE AND HIGH STREET, WEST OF 15TH STREET, ADJOINING LOT 2, IN BLOCK 2, J.M. GRIFFITH'S SUBDIVISION OF LOT 5 PURSLEY ADDITION, AND ADJOINING THE EAST ½ OF LOT 2 AND LOTS 3, 4 AND 5 IN BLOCK E, SUBDIVISION OF LOT 6 OF 13.06 ACRES PURSLEY ESTATES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

4. The proposed sale of the remaining vacated right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements therein, is hereby approved:

To: Johnny Brafford and Jennifer Katz Brafford (1530 Woodland Avenue)
For: \$50.00

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING PARCEL "B" OF THE PLAT OF SURVEY RECORDED IN BOOK 13703 PAGE 869 IN THE POLK COUNTY RECORDER'S OFFICE, ALL IN BLOCK E OF THE SUBDIVISION OF LOT 6 OF THE PURSLEY ESTATE, AN OFFICIAL PLAT, ALL NOW

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INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 671 SQUARE FEET;

To: Traci A. Giles (615 16th Street)
For: \$100.00

-EXCEPT THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING PARCEL "B" OF THE PLAT OF SURVEY RECORDED IN BOOK 13703 PAGE 869 IN THE POLK COUNTY RECORDER'S OFFICE-, ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 1 OF BLOCK E OF THE SUBDIVISION OF LOT 6 OF THE PURSLEY ESTATE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 913 SQUARE FEET.

5. The Mayor is authorized and directed to sign the Offers to Purchase and Quit Claim Deeds for the correction and conveyances as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
6. Upon proof of payment of the consideration, 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.
7. 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.
8. 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 a copy of the other documents to the grantee.
9. Non-project related land sale proceeds are used to support general operating budget expenses: Org - EG064090.

(Council Communication No. 15-420)

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

Moved by _____ to adopt.

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				
MOTION CARRIED	APPROVED			

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

_____ Mayor