

Date July 27, 2015

HOLD HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY BETWEEN 2ND AVENUE AND 3RD STREET FROM INDIANA AVENUE TO CREIGHTON AVENUE TO COMMERCIAL BAG AND TEXTILE, INC. FOR \$7,980.00

WHEREAS, on June 22, 2015, by Roll Call No. 15-1019, City Council received a recommendation from the City Plan and Zoning Commission approving a request from Commercial Bag and Textile, Inc., to vacate the north/south segment of alley right-of-way between 2nd Avenue and 3rd Street from Indiana Avenue to Creighton Avenue, adjoining its business located at 1240 2nd Avenue and 1244 2nd Avenue; and

WHEREAS, Commercial Bag and Textile, Inc. has offered to the City of Des Moines the purchase price of \$7,980.00 for the purchase of the portion of the vacated alley right-of-way adjoining its business located at 1240 2nd Avenue and 1244 2nd Avenue, 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.

WHEREAS, on July 13, 2015, by Roll Call No. 15-1136, 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

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 north/south segment of alley right-of-way between 2nd Avenue and 3rd Street from Indiana Avenue to Creighton 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 north/south segment of alley right-of-way between 2nd Avenue and 3rd Street from Indiana Avenue to Creighton Avenue, legally described as follows, and said vacation is hereby approved:

Date July 27, 2015

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 135 TO 140, RUTHERFURD HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 3990 SQUARE FEET.

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

To: Commercial Bag and Textile, Inc.
For: \$7,980.00

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 135 TO 140, RUTHERFURD HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 3990 SQUARE FEET.

4. The Mayor is authorized and directed to sign the Offers 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, 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 a copy of the other documents to the grantee.

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

★ Roll Call Number

Agenda Item Number


SSE

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Moved by _____ to adopt.

APPROVED AS TO FORM:


Lisa A. Wieland, Assistant City Attorney

DRW

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