

★ **Roll Call Number**

Agenda Item Number

45

Date October 12, 2015

An Ordinance entitled, "AN ORDINANCE vacating a portion of the east/west alley right-of-way adjoining 1619 Franklin Avenue",

which was considered and voted upon under Roll Call No. 15- 1636 of September 28, 2015; again presented.

Moved by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

| 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

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Prepared by: Lisa A. Wieland, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4124
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

ORDINANCE NO. _____

AN ORDINANCE vacating a portion of the east/west alley right-of-way adjoining 1619 Franklin Avenue.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, it is desirable that the public right-of-way herein described be vacated;

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

Sec. 1. That a portion of the east/west alley right-of-way adjoining 1619 Franklin Avenue, more specifically described as follows, be and is hereby vacated:

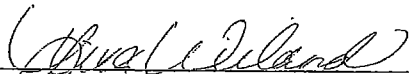
ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 13, BLOCK 8, NORWOOD PARK ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 795 SQUARE FEET.

Sec. 2. The City of Des Moines hereby reserves an easement upon the property described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.


Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



Lisa A. Wieland
Assistant City Attorney

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|--|--------------------------|---|
|  <p style="text-align: center;">Council Communication Office of the City Manager</p> | Date: | September 28, 2015 |
| | Agenda Item No. | 49 |
| | Roll Call No. | <u>15-1635</u> |
| | Communication No. | <u>15-502</u> |
| | Submitted by: | Jamela S. Cooksey, P.E., City Engineer |

AGENDA HEADING:

Hold hearing for vacation and conveyance of a portion of the east/west alley between Franklin Avenue and Allison Avenue, east of 18th Street, to Simon Rojas for \$50.

SYNOPSIS:

Recommend approval of the vacation and conveyance of a portion of the east/west alley between Franklin Avenue and Allison Avenue, east of 18th Street, to Simon Rojas (1619 Franklin Avenue, Des Moines, Iowa, 50314) for \$50.

This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. The City's conveyance of this property will allow the buyer to incorporate it into his adjoining residential property. There is no current or anticipated public need or benefit for this property, and this conveyance will eliminate future maintenance and liability costs for the City and will return the property to the tax rolls.

FISCAL IMPACT:

Amount: \$50 (Revenue)

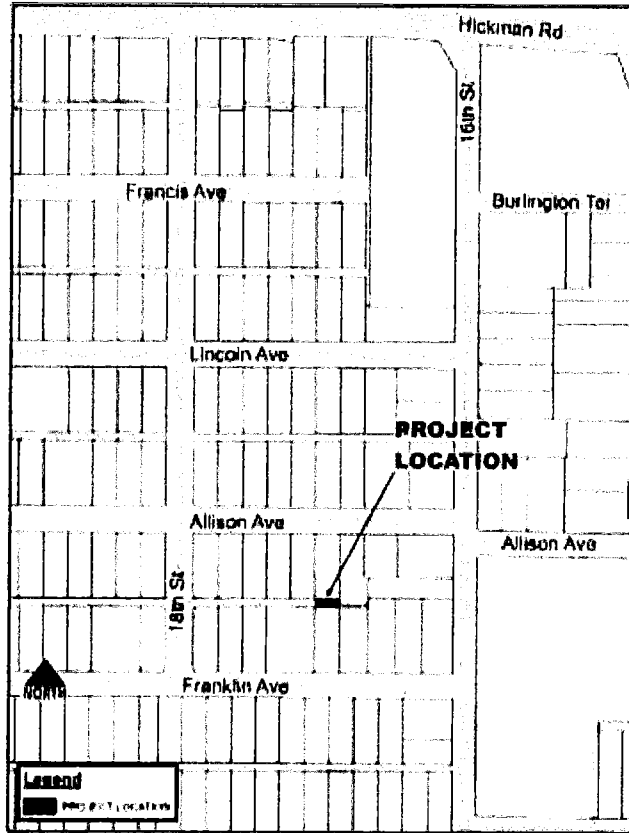
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090

ADDITIONAL INFORMATION:

On August 24, 2015, by Roll Call No. 15-1425, City Council adopted a recommendation from the City Plan and Zoning Commission approving a request from Simon Rojas for the vacation of the dead-end east/west alley segment between Franklin Avenue and Allison Avenue from a point, 300 feet east of 18th Street, to a point, 250 feet east of 18th Street, subject to the provision of any necessary easements for all existing utilities until such time as they are abandoned or relocated.

Simon Rojas, owner of 1619 Franklin Avenue, has offered to the City of Des Moines the purchase price of \$50 for the purchase of the portion of the vacated alley right-of-way adjoining his property. The property to be conveyed consists of approximately 800-square-feet, and the purchase price of \$50 is equal to the estimated fair market value of the property as determined by the City's Real Estate Division. There is no current or anticipated public need for this property, and the City's conveyance of this property will eliminate future maintenance and liability costs for the City, will return this property to the tax rolls, and will allow the buyer to control access to the rear of his property.

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PREVIOUS COUNCIL ACTION(S):

Date: September 14, 2015

Roll Call Number: 15-1508

Action: On vacation and conveyance of a portion of the east/west alley between Franklin Avenue and Allison Avenue, east of 18th Street to Simon Rojas, \$50, (9-28-15).

Date: August 24, 2015

Roll Call Number: 15-1425

Action: Regarding vacation of the dead-end east/west alley segment between Franklin Avenue and Allison Avenue from a point, 300 feet east of 18th Street, to a point, 250 feet east of 18th Street, subject to conditions. Moved by Hensley to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: August 6, 2015

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Resolution Number: 11-2015-1.11

Action: Recommend approval of the requested vacation of a portion of the east/west alley between Franklin Avenue and Allison Avenue, subject to the provision of any necessary easements for all existing utilities until such time as they are abandoned or relocated.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.