

Date..... November 23, 2015.....

**HOLD HEARING FOR VACATION OF A PORTION OF THE EAST-WEST ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 1200 THROUGH 1214 OAK PARK AVENUE AND CONVEYANCE TO DONNA J. PETERSON AND PAMELA A. HAYES FOR \$50.00, TO KENT AND CHRISTINE SCHNELL (CONTRACT SELLERS) AND BRYAN K. SCHNELL (CONTRACT BUYER) FOR \$50.00, AND TO JARED M. JOHNSON FOR \$50.00**

**WHEREAS**, on November 5, 2015, the City Plan and Zoning Commission approved a request from Bryan Schnell for the vacation of the east-west alley right-of-way adjoining 1200, 1206, 1210 and 1214 Oak Park 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**, on November 23, 2015, by Roll Call No. 15-\_\_\_\_\_, the City Council of the City of Des Moines, Iowa, received and filed said recommendation from the City Plan and Zoning Commission; and

**WHEREAS**, Donna J. Peterson and Pamela A. Hayes, owners of 1206 Oak Park Avenue, have offered to the City of Des Moines, Iowa ("City") the purchase price of \$50.00 for the purchase of the portion of the vacated alley right-of-way adjoining 1206 Oak Park 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**, Kent Schnell and Christine Schnell (contract sellers) and Bryan K. Schnell (contract buyer), as owners of 1210 Oak Park Avenue, have offered to the City the purchase price of \$50.00 for the purchase of the portion of the vacated alley right-of-way adjoining 1210 Oak Park 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**, Jared M. Johnson, owner of 1214 Oak Park Avenue, has offered to the City the purchase price of \$50.00 for the purchase of the portion of the vacated alley right-of-way adjoining 1214 Oak Park 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 alley right-of-way proposed to be vacated and the City will not be inconvenienced by the sale of said property; and

**WHEREAS**, on November 9, 2015, by Roll Call No. 15-1861, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the City alley right-of-way be set for hearing on November 23, 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

Date November 23, 2015

**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 of the City of Des Moines, Iowa.

**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 a portion of the east/west alley right-of-way adjoining 1200, 1206, 1210 and 1214 Oak Park 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 1200, 1206, 1210 and 1214 Oak Park Avenue, as legally described below, for the purpose of conveying the adjoining alley right-of-way as set forth herein, and said vacation is hereby approved:

ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 73 THROUGH 76, SOUTH OAK PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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: Donna J. Peterson and Pamela A. Hayes  
For: \$50.00

ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 74, SOUTH OAK PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 700 SQUARE FEET.

And,

To: Kent Schnell and Christine Schnell (contract sellers) and Bryan K. Schnell (contract buyer)  
For: \$50.00

ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 75, SOUTH OAK PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 700 SQUARE FEET.

Date November 23, 2015

And,

To: Jared M. Johnson  
For: \$50.00

ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 76, SOUTH OAK PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 700 SQUARE FEET.

4. The Mayor is authorized and directed to sign the Offers to Purchase and Quit Claim Deeds for the conveyances 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 plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim 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.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim 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.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deeds 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.

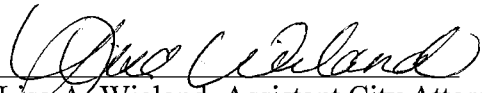
52B

Date November 23, 2015

(Council Communication No. 15-621)

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

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

RSN

| 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