

Date..... December 21, 2015 .....

**HOLD HEARING FOR CONVEYANCE OF A VACATED PORTION OF THE EAST-WEST ALLEY RIGHT-OF-WAY LOCATED NORTH OF AND ADJOINING 1228 EAST OVID AVENUE TO BRIAN J. RITCHIE FOR \$25.00**

**WHEREAS**, on September 16, 1940, the City of Des Moines, Iowa, ("City") approved Ordinance No. 4594 vacating the right-of-way located north of and adjoining 1228 East Ovid Avenue ("Property"), more particularly described below; and

**WHEREAS**, Brian J. Ritchie, owner of 1228 East Ovid Avenue, has offered to the City of Des Moines, Iowa, the purchase price of \$25.00 for the purchase of the portion of the vacated alley right-of-way lying north of and adjoining 1228 East Ovid 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**, the City has no current or anticipated public need for the Property, and the City will not be inconvenienced by the sale and conveyance of said Property; and

**WHEREAS**, on December 7, 2015, by Roll Call No. 15-2054, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Property be set down for hearing on December 21, 2015, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey the Property 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 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the vacated alley right-of-way, as described below, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the vacated alley right-of-way proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the vacated alley right-of-way lying north of and adjoining 1228 East Ovid Avenue, legally described as follows, to Brian J. Ritchie for \$25.00, and said conveyance be and is hereby approved, subject to a reservation of easements therein:

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-EXCEPT THE WEST 6 FEET-, ALL OF THE SOUTH HALF (1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 16, MANN'S 2ND ADDITION TO HIGHLAND PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 308 SQUARE FEET.

3. The Mayor is authorized and directed to sign the Offer 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.
4. 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 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.
5. 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.
6. 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 copies of the other documents to the grantees.
7. Non-project related land sale proceeds are used to support general operating budget expenses:  
Org – EG064090.

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(Council Communication No. 15- 664)

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

APPROVED AS TO FORM:

*Lisa A. Wieland*  
Lisa A. Wieland, Assistant City Attorney

*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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk