

Date July 11, 2016

**SET HEARING FOR VACATION AND CONVEYANCE OF THE EAST 4.5 FEET OF 9<sup>TH</sup> STREET RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 1429 9<sup>TH</sup> STREET TO SCOTT A. SLAUGHTER AND TODD D. SCHRODER FOR \$50.00**

**WHEREAS**, on June 13, 2016, by Roll Call No. 16-0938, the City Council of the City of Des Moines, Iowa, received and filed a recommendation from the City Plan and Zoning Commission recommending approval of a request for the vacation of the east 4.5 feet of 9<sup>th</sup> Street right-of-way located west of and adjoining 1429 9<sup>th</sup> Street, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

**WHEREAS**, Scott A. Slaughter and Todd D. Schroder, the owners of 1429 9<sup>th</sup> Street, have offered to the City of Des Moines, Iowa ("City") the purchase price of \$50.00 for the purchase of the east 4.5 feet of 9<sup>th</sup> Street right-of-way adjoining their property for incorporation into the property in order to eliminate an existing fence encroachment, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of said portion of street 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 street right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said property.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the east 4.5 feet of 9<sup>th</sup> Street right-of-way located west of and adjoining 1429 9<sup>th</sup> Street, legally described as follows:

THE EAST 4.5 FEET OF 9TH STREET RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 5, THOMPSON'S SUBDIVISION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 315 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the east 4.5 feet of 9<sup>th</sup> street right-of-way located west of and adjoining 1429 9<sup>th</sup> Street, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

Grantee: Scott A. Slaughter and Todd D. Schroder

Consideration: \$50.00

Legal Description:

Date July 11, 2016

THE VACATED EAST 4.5 FEET OF 9TH STREET RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 5, THOMPSON'S SUBDIVISION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 315 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on July 25, 2016, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

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

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

APPROVED AS TO FORM:



Lisa A. Wieland  
Assistant City Attorney

AW

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| GATTO          |      |      |      |        |
| GRAY           |      |      |      |        |
| HENSLEY        |      |      |      |        |
| MOORE          |      |      |      |        |
| WESTERGAARD    |      |      |      |        |
| 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

College Ave

**PROJECT  
LOCATION**

8th St

7th St

Clark St

8th St

7th St

11th St

10th St

9th St

Forest Ave

6th Ave

8th St

7th St

Mary Ave

Indiana Ave

Indiana Ave



**Legend**

■ PROJECT LOCATION

University Ave

