

Date July 24, 2017

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**HEARING FOR VACATION AND CONVEYANCE OF A DEAD-END SEGMENT OF  
SOUTHWEST 19<sup>TH</sup> STREET ADJOINING 1821 FRAZIER AVENUE TO LARRY J.  
BUTLER AND MARY E. BUTLER FOR \$300.00**

**WHEREAS**, on June 12, 2017, by Roll Call No. 17-0969, the City Council of the City of Des Moines received and filed a recommendation from the City Plan and Zoning Commission whose members voted 11-0 to recommend approval of a request from Larry Butler for vacation of a dead-end segment of Southwest 19<sup>th</sup> Street adjoining 1821 Frazier Avenue, subject to reservation of easements for all utilities in place until such time that they are abandoned or are relocated; and

**WHEREAS**, Larry J. Butler and Mary E. Butler, owner of adjoining property located at 1821 Frazier Avenue, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$300.00 for the purchase of the dead-end segment of Southwest 19<sup>th</sup> Street adjoining 1821 Frazier Avenue for incorporation into his adjoining residential property, subject to the reservation of easements for all utilities in place until such time that they are abandoned or relocated and further subject to a no-build easement, which price reflects the restricted fair market value of said portion of street right-of-way as determined 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.

**WHEREAS**, on July 10, 2017, by Roll Call No. 17-1156, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the City street right-of-way be set for hearing on July 24, 2017, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to vacate and convey the City street 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 a dead-end segment of Southwest 19<sup>th</sup> Street adjoining 1821 Frazier Avenue, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of a dead-end segment of Southwest 19<sup>th</sup> Street adjoining 1821 Frazier Avenue legally described as follows, and said vacation is hereby approved:

Date July 24, 2017

ALL OF THE SOUTHWEST 19<sup>TH</sup> STREET RIGHT-OF-WAY LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 99 AND LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 99, ALL IN WAKONDA MANOR PLAT No.5, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 5915 SQUARE FEET.

3. The proposed sale of such vacated street right-of-way, as legally described below, to the grantee, and for the consideration identified below, subject to the reservation of easements for all utilities in place until such time that they are abandoned or relocated and further subject to a no-build easement, is hereby approved:

Grantee: Larry J. Butler and Mary E. Butler  
Consideration: \$300.00  
Legal Description:

ALL OF THE VACATED SOUTHWEST 19<sup>TH</sup> STREET RIGHT-OF-WAY LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 99 AND LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 99, ALL IN WAKONDA MANOR PLAT No.5, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 5915 SQUARE FEET.

4. 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.

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 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 Quit Claim 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 Quit Claim 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

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(Council Communication No. 17-552)

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

APPROVED AS TO FORM:

*Ann DiDonato*  
Ann DiDonato, Assistant City Attorney

*ASN*

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