

Date June 25, 2018

**HOLD HEARING FOR CONVEYANCE OF VACATED ALLEY RIGHT-OF-WAY
LOCATED EAST OF AND ADJOINING 1223 DIXON STREET TO RAUL CHAVEZ
AND MARIA G. ESTRADA FOR \$100.00**

WHEREAS, on August 17, 1981, by Roll Call No. 4168, the City Council of the City of Des Moines, Iowa voted to approve the vacation of all of the north-south alley right-of-way west of adjoining Lots 1 through 15 inclusive, Block 6, Stalford's Addition, said vacation including the portion of alley right-of-way lying east of and adjoining 1223 Dixon Street, Des Moines, Iowa; and

WHEREAS, Raul Chavez and Maria G. Estrada, owners of 1223 Dixon Street, has offered to the City of Des Moines ("City") the purchase price of \$100.00 for the purchase of the vacated alley right-of-way lying east of and adjoining 1223 Dixon Street (hereinafter "Property"), for assemblage with 1223 Dixon Street, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the fair market value of the Property as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the Property proposed to be sold, and the City will not be inconvenienced by the sale and conveyance of said Property; and

WHEREAS, on June 11, 21018 by Roll Call No. 18-0990, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on June 25, 2018, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to convey that portion of vacated alley right-of-way lying east of and adjoining 1223 Dixon Street, Des Moines, Iowa was given to all necessary parties 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, as follows:

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 lying east of and adjoining 1223 Dixon Street, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the vacated alley right-of-way lying east of and adjoining 1223 Dixon Street, Des Moines, Iowa, legally described as follows, to Raul Chavez

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and Maria G. Estrada for \$100.00, and said conveyance is hereby approved, subject to reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated:

A PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY WEST OF AND ADJOINING BLOCK 6, ALL IN STALFORD'S ADDITION TO CITY OF DES MOINES, IOWA, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF SAID VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF EASTON BOULEVARD AND SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 14, BLOCK 7, STALFORD AND DIXON'S ADDITION TO THE CITY OF DES MOINES, IOWA, AN OFFICIAL PLAT;

AND CONTAINING APPROXIMATELY 840 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.
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 copies of the other documents to the grantee.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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(Council Communication No. 18- 330)

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				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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