

Date December 16, 2019

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF VACATED ALLEY RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 3844 6th AVENUE TO DANIEL R. BURKLE FOR \$25.00

WHEREAS, on February 18, 1980, by Ordinance No. 9701, the City Council of the City of Des Moines, Iowa vacated the north-south alley right-of-way lying west of and adjoining 3844 6th Avenue; and

WHEREAS, the east half of the vacated alley right-of-way adjoining 3844 6th Avenue was not conveyed after the alley was vacated; and

WHEREAS, Daniel R. Burkle, owner of 3844 6th Avenue, has offered to the City of Des Moines (“City”) the purchase price of \$25.00 for the purchase of the east half of the vacated alley right-of-way lying west of and adjoining his property at 3844 6th Avenue (hereinafter “Property”), for assemblage with his residential parcel, 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 City 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 December 2, 2019 by Roll Call No. 19-1917, 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 December 16, 2019, 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 the Property 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 east half of the vacated alley right-of-way lying west of and adjoining 3844 6th Avenue, 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 east half of the vacated alley right-of-way lying west of and adjoining 3844 6th Avenue, Des Moines, Iowa, legally described as follows,

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to Daniel R. Burkle for \$25.00, 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:

THE EAST HALF OF THE VACATED 16.0 FOOT NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING THE SOUTH 25.0 FEET OF LOT 2, AND LYING WEST OF AND ADJOINING THE NORTH 12.5 FEET OF LOT 3, ALL IN BLOCK 12, NORTH OAK PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND CONTAINING APPROXIMATELY 300 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 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.
5. 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.
6. 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.
7. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

★ Roll Call Number

Agenda Item Number

62

Date December 16, 2019

Moved by _____ to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

RTW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

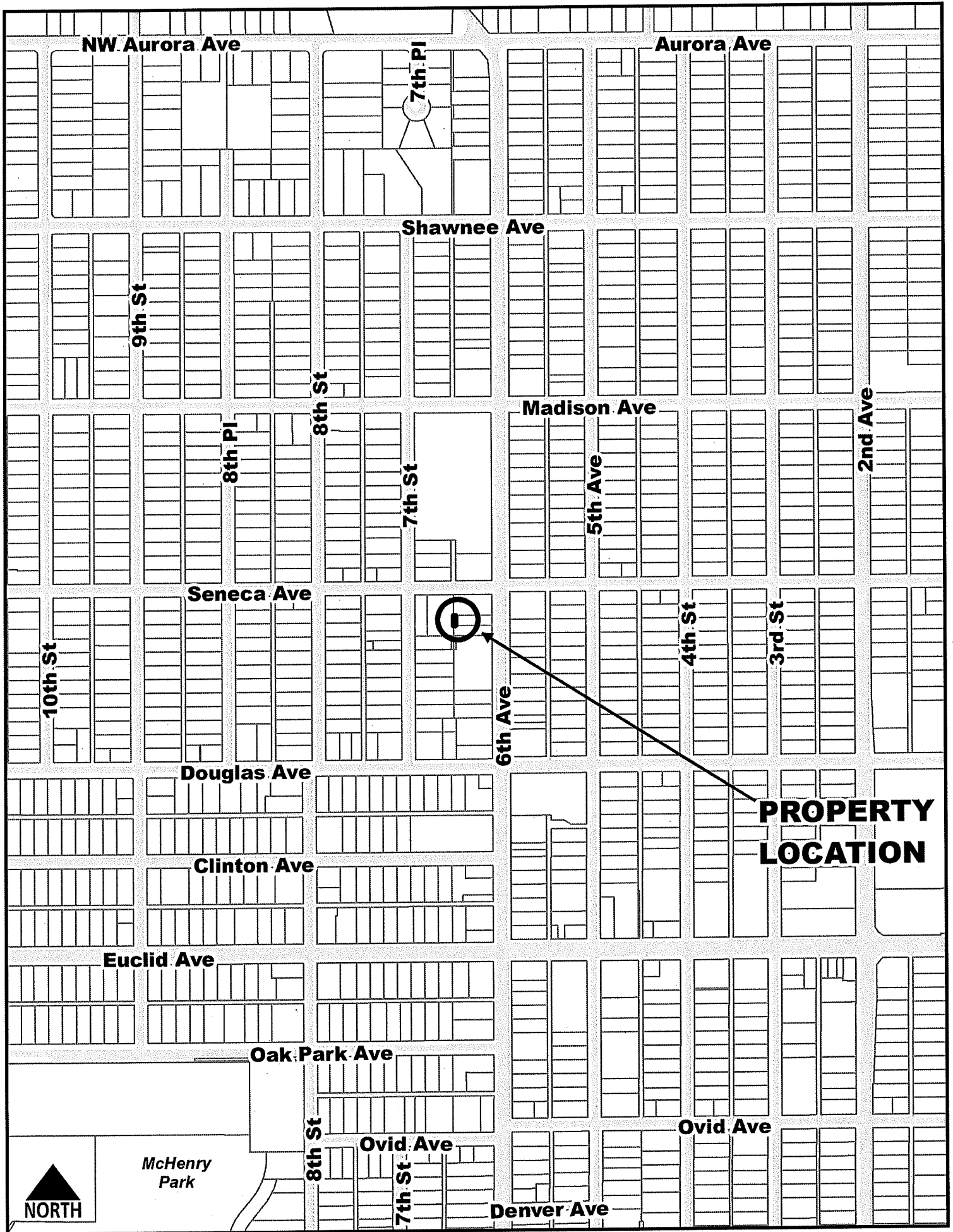
Mayor

CERTIFICATE

I, P. KAY CMELIK, 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



NW Aurora Ave

Aurora Ave

Shawnee Ave

Madison Ave

Seneca Ave

Douglas Ave

Clinton Ave

Euclid Ave

Oak Park Ave

Ovid Ave

Ovid Ave

Denver Ave

McHenry Park

NORTH

**PROPERTY
LOCATION**

9th St

8th PI

8th St

7th St

6th Ave

5th Ave

4th St

3rd St

2nd Ave

7th PI

10th St