



**Roll Call Number**

**Agenda Item Number**

43

**Date** March 9, 2020

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF VACATED ALLEY RIGHT-OF-WAY ADJOINING 909 SOUTHEAST 9<sup>TH</sup> STREET AND ADJOINING 904 SOUTHEAST 10<sup>TH</sup> STREET TO GNS INVESTMENTS, L.C. FOR \$125.00**

**WHEREAS**, on February 19, 1979, by Roll Call No. 664, the City Council of the City of Des Moines passed Ordinance No. 9550, vacating the north-south alley right-of-way lying west of and adjoining 904 Southeast 10<sup>th</sup> Street; and

**WHEREAS**, on August 23, 1993, by Roll Call No. 93-3178, the City Council of the City of Des Moines passed Ordinance No. 12,030, vacating the east-west alley right-of-way lying south of and adjoining 909 Southeast 9<sup>th</sup> Street; and

**WHEREAS**, GNS Investments, L.C., owner of 904 Southeast 10<sup>th</sup> Street and 909 Southeast 9<sup>th</sup> Street, has offered to the City of Des Moines (“City”) the purchase price of \$125.00 for the purchase of the vacated alley right-of-way adjoining its property (hereinafter “Property”), for assemblage with the residential parcels, 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 February 24, 2020 by Roll Call No. 20-0331, 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 March 9, 2020, 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 vacated alley right-of-way lying west of and adjoining 904 Southeast 10<sup>th</sup> Street and lying south of and adjoining 909 Southeast 9<sup>th</sup> Street, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.

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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 west of and adjoining 904 Southeast 10<sup>th</sup> Street and lying south of and adjoining 909 Southeast 9<sup>th</sup> Street, Des Moines, Iowa, legally described as follows, to GNS Investments, L.C. for \$125.00, 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:

ALL THE VACATED EAST/WEST ALLEY RIGHT OF WAY IN BLOCK 72, -EXCEPT THE EAST 160 FEET THEREOF- AND -EXCEPT THE SOUTH HALF OF SAID VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 1 AND 2 IN SAID BLOCK 72-; AND THE SOUTH 9 FEET OF THE WEST 10 FEET OF THE EAST 160 FEET OF SAID VACATED EAST/WEST ALLEY RIGHT OF WAY; AND THE WEST 10 FEET OF THE NORTH 56 FEET OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 72, -EXCEPT THE NORTH 28 FEET THEREOF-; ALL IN TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.05 ACRES (1,989 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

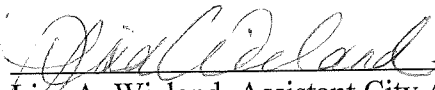
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Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lisa A. Wieland, Assistant City Attorney

*asw*

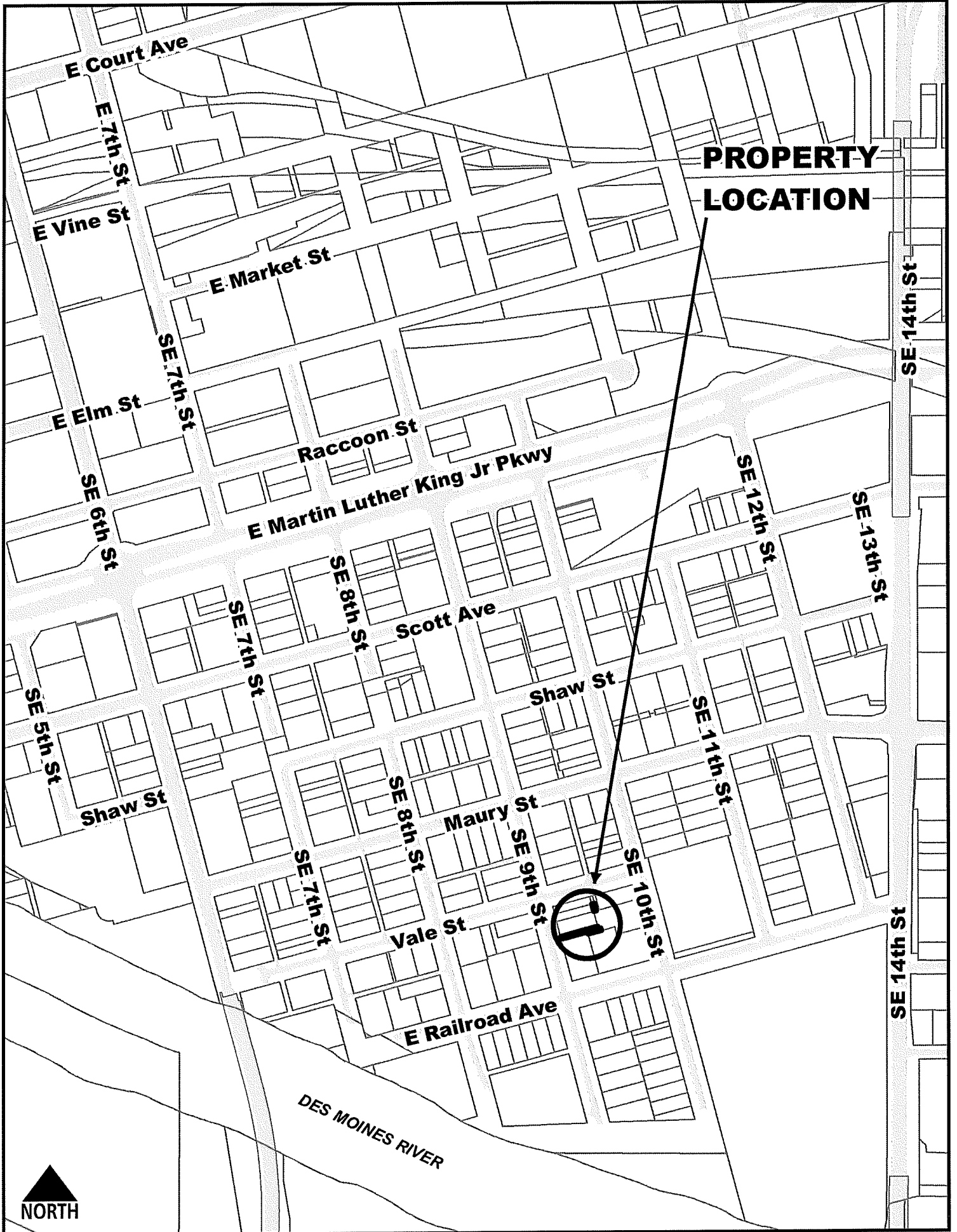
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**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



**PROPERTY  
LOCATION**



DES MOINES RIVER