

★ Roll Call Number

08-810

Agenda Item Number

40

Date May 5, 2008

Dispositions: Page 1

**HOLD HEARING FOR VACATION AND CONVEYANCE OF NORTH/SOUTH ALLEY
BETWEEN 22ND STREET AND 23RD STREET FROM OLIVE AVENUE
TO THE INTERSTATE 235 RIGHT-OF-WAY,
TO ADJOINING PROPERTY OWNERS FOR \$100**

WHEREAS, on May 21, 2007, by Roll Call No. 07-964, the City Council adopted a recommendation from the City Plan and Zoning Commission that the North/ South alley right-of-way between 22nd Street and 23rd Street from Olive Avenue to the Interstate 235 right-of-way, hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantees identified below are the owners of property abutting such right-of-way and have offered to the City of Des Moines the purchase price identified below for the vacation and purchase of such right-of-way described below; and

WHEREAS, on April 21, 2008, by Roll Call No. 08-662, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on May 5, 2008, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public 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 said notice, those interested in said 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation and conveyance of public right-of-way, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the North/ South alley right-of-way between 22nd Street and 23rd Street from Olive Avenue to the Interstate 235 right-of-way, more specifically described as follows:

All that part of the North/South alley right-of-way lying North of the easterly extension of the North right of way line of Olive Avenue and lying South of the easterly extension of the North line of the South 30.0 feet of Lot 39, Ira W. Andersons Cottage Grove Addition, an Official Plat. All now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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3. That the sale and conveyance of such right-of-way, as described below, and to the grantees and for the consideration identified below, together with payment by such grantees of the estimated publication and recording costs for this transaction, be and is hereby approved:

To: Joseph S. Hill and Sara J. Johnson for \$50.00
958 22nd Street
Des Moines, Iowa 50312-4081

The East ½ of the Vacated North/South alley right-of-way lying North of the easterly extension of the North right of way line of Olive Avenue and lying South of the easterly extension of the North line of the South 30.0 feet of Lot 39, Ira W. Andersons Cottage Grove Addition, an Official Plat. All now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Michael W. Daniels, Jr. and Teleza M. Daniels for \$50.00
955 23rd Street
Des Moines, Iowa 50312-4854

The West ½ of the Vacated North/South alley right-of-way lying North of the easterly extension of the North right of way line of Olive Avenue and lying South of the easterly extension of the North line of the South 30.0 feet of Lot 39, Ira W. Andersons Cottage Grove Addition, an Official Plat. All now included in and forming a part of the City of Des Moines, Polk County, Iowa.

4. The Mayor is authorized and directed to sign the Offers to Purchase and the Quit Claim Deeds for the conveyances identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating the said right-of-way and 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 originals of the said Deeds, 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 originals of the Deeds, 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.

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7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the originals of the Quit Claim Deeds and copies of the other documents to the grantees.

8. The proceeds from the sale of this property will be deposited into the following account: 2007-08 Operating Budget, Page 259, Property Maintenance, SP767.

(Council Communication No. 08-254)

Moved by Vlassis to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
KIERNAN	✓			
HENSLEY				✓
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1
MOTION CARRIED				APPROVED

T. M. Franklin 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.

Diane Rauh City Clerk