

★ Roll Call Number

08-1344

Agenda Item Number

AA

Dispositions: Page 1

Date July 28, 2008

**HEARING FOR VACATION AND CONVEYANCE OF
EAST/WEST ALLEY ADJOINING 816 VIRGINIA AVENUE
TO THE ADJOINING PROPERTY OWNER SAMUEL J. FUCALORO FOR \$75.00**

WHEREAS, on June 9, 2008, by Roll Call No. 08-989, the City Council adopted a recommendation from the City Plan and Zoning Commission that the western most 58 feet of the dead end segment of the east/west alley between Virginia Avenue and Pleasant View Drive extending west from SW 7th Street, be vacated and sold; and

WHEREAS, the grantee identified below is the owner of property abutting such right-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of the portion of such right-of-way described below; and

WHEREAS, on July 14, 2008, by Roll Call No. 08-1195, it was duly resolved by the City Council that the proposed vacation and conveyance of said right-of-way be set down for hearing on July 28, 2008, at 5:00 p.m., in the Council Chamber; 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 east/west alley adjoining 816 Virginia Ave. more specifically described as follows:

All that part of the East/West alley right-of-way lying South of and adjoining the West 50.0 feet of Lot 7, Proctor's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

All of the vacated East/West alley right-of-way lying South of and adjoining the West 50.0 feet of Lot 7, Proctor's Addition, an Official Plat, and the East 1/2 of the vacated North/South alley right-of-way, vacated by Ordinance 14,343, lying West of and adjoining the South 1/2 of vacated East/West alley right-of-way lying South of the West 50.0 feet of said Lot 7, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED
Samuel J. Fucaloro
7/28/08

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4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance 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 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 originals of the 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 originals of the Quit Claim Deed 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: CDM Index: 950287, Fund: SP767, ORG: ENG980500, Fund Description: Property Maintenance Fund.

(Council Communication No. 08-437)

Moved by Meyer to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank

Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
KIERNAN	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

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