

★ Roll Call Number

08-1457

Agenda Item Number

49

Dispositions: Page 1

Date August 11, 2008

**HEARING FOR VACATION AND CONVEYANCE OF
A SEGMENT OF EAST/WEST ALLEY BETWEEN WALNUT STREET AND MULBERRY
STREET FROM 12TH STREET TO THE NORTH/SOUTH ALLEY
TO NATIONWIDE MUTUAL INSURANCE COMPANY, FOR \$42,560**

WHEREAS, on June 23, 2008, by Roll Call No. 08-1098, the City Council adopted a recommendation from the City Plan and Zoning Commission that a segment of the east/west alley between Walnut Street and Mulberry Street from 12th Street to the north/south alley 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 28, 2008, by Roll Call No. 08-1318, 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 August 11, 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 a segment of the east/west alley between Walnut Street and Mulberry Street from 12th Street to the north/south alley, more specifically described as follows:

All of the Re-Dedicated East/West alley right-of-way by Roll Call 01-3305, November 5, 2001, lying North of and adjoining Lots 7 and 8, Block 29, Keene & Poindexter's Addition to Fort Des Moines, an Official Plat, Except the South 0.42 Feet of the East/West alley lying North of and adjoining said Lots 7 and 8, Vacated by Ordinance 10,070, February 1, 1982, Repealed by Ordinance 10,145, June 21, 1982 all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

City of Des Moines Sold East 0.55 feet and the South 0.42 feet to United Central Bank
Roll Call 82-3127, June 19, 1982

DESCRIPTION REVIEWED
[Signature]
8/11/08

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3. That the sale and conveyance of such vacated right-of-way, as described below, to Nationwide Mutual Insurance Company, for the consideration of \$42,560 together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

DESCRIPTION REVIEWED
[Handwritten signature]

All of the vacated Re-Dedicated East/West alley right-of-way by Roll Call 01-3305, November 5, 2001, lying North of and adjoining Lots 7 and 8, Block 29, Keene & Poindexter's Addition to Fort Des Moines, an Official Plat, Except the South 0.42 Feet of the East/West alley lying North of and adjoining said Lots 7 and 8, Vacated by Ordinance 10,070, February 1, 1982, Repealed by Ordinance 10,145, June 21, 1982 all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

City of Des Moines Sold East 0.55 feet and the South 0.42 feet to United Central Bank
Roll Call 82-3127, June 19, 1982

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 original 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 Deeds and copies of the other documents to the grantee.

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.

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(Council Communication No. 08.473)

Moved by Hensley 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	✓			
VLISSIS	✓			
TOTAL	7			
MOTION CARRIED				

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.

T. M. Franklin Mayor

Diane Rauh City Clerk