

★ Roll Call Number

08-2077

Agenda Item Number

43

Page 1

Date November 24, 2008

**HEARING FOR VACATION AND CONVEYANCE OF THE EAST/WEST ALLEY
BETWEEN INGERSOLL AVENUE AND HIGH STREET, FROM 17TH STREET TO A
POINT APPROXIMATELY 175 FEET EAST OF 19TH STREET, TO 1717 INGERSOLL,
LLC, PW WATERBURY LC, AND OPOMODO LLC FOR \$1 AND ALSO TO
JAMES MARCOVIS FOR \$1**

WHEREAS, on October 13, 2008, by Roll Call No. 08-1748, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of the East/West alley between Ingersoll Avenue and High Street, from 17th Street to a point approximately 175 feet east of 19th Street, 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, and conveyance of required easements to the City, in exchange for the purchase of such property described below; and

WHEREAS, on October 27, 2008, by Roll Call No. 08-1844, 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 November 10, 2008, at 5:00 p.m., in the Council Chamber; and

WHEREAS, on November 10, 2008, by Roll Call No. 08-2003, the City Council continued this hearing to November 24, 2008; and

WHEREAS, due notice of said proposal to vacate and convey said 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 East/West alley between Ingersoll Avenue and High Street, from 17th Street to a point approximately 175 feet east of 19th Street, more specifically described as follows:

Date November 24, 2008

The North 16.0 feet, except the West 175.0 feet and except the East 22.0 feet, of Lot 'C' in J.C. Savery's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED
11/14/08
97.30

3. That the sale and conveyance of such vacated right-of-way, as described below, in consideration for payment and conveyance of easements in favor of the City of Des Moines by such grantees and payment of the estimated publication and recording costs for this transaction, be and is hereby approved:

To: James Marcovis for \$1

The vacated North 16.0 feet of the East 158.0 feet of the West 333.0 feet of Lot 'C' in J.C. Savery's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: 1717 Ingersoll, LLC, PW Waterbury, LC, and OPOMODO, LLC for \$1

The vacated North 16.0 feet, except the East 22.0 feet and except the West 333.0 feet, of Lot 'C' in J.C. Savery's 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 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, including conveyance of easements in favor of the City of Des Moines, plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the originals of the said Quit Claim 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 Quit Claim 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.

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.

★ Roll Call Number

08-2077

Agenda Item Number

43

Date November 24, 2008

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. 08-702)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

psw

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

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