



Roll Call Number

09-027

Agenda Item Number

21

Date January 5, 2009

**HOLD HEARING FOR CONVEYANCE OF  
PORTIONS OF THE VACATED NORTH/SOUTH ALLEY ADJOINING  
1535 29<sup>TH</sup> STREET TO DENIS AND NANCY WOLF-KEITH FOR \$50  
AND ADJOINING 1534 28<sup>TH</sup> STREET TO FILICE L. WILLIAMS FOR \$50**

**WHEREAS**, on September 13, 1999, by Roll Call No. 99-2814, the City Council adopted a recommendation from the City Plan and Zoning Commission that a portion of the North/South alley right-of-way lying between 28<sup>th</sup> and 29<sup>th</sup> Streets north of Clark Street be vacated and sold; and

**WHEREAS**, on April 24, 2000, by Roll Call No. 00-1227, the City Council passed Ordinance No. 13,814 vacating a portion of said alley right-of-way; and

**WHEREAS**, Denis and Nancy Wolf-Keith, and Filice L. Williams, both own property adjacent to the vacated alley right-of-way and have offered to the City of Des Moines the purchase prices identified below for the purchase of such vacated right-of-way described below to be incorporated into their respective existing residential yards; and

**WHEREAS**, the City of Des Moines has no current or anticipated public need for said vacated alley right-of-way; and

**WHEREAS**, on November 24, 2008, by Roll Call No. 08-2044, it was duly resolved by the City Council that the proposed conveyance be set down for hearing on December 8, 2008, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, on December 8, 2008, by Roll Call No. 08-2150, the public hearing was continued and set for hearing on December 22, 2008; and

**WHEREAS**, on December 22, 2008, by Roll Call No. 08- 2231, the public hearing was further continued and set down for hearing on January 5, 2009, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey this public real property was given 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 this 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.



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**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 the proposed conveyance of the vacated alley right-of-way described below are hereby overruled and the hearing is closed.
2. That the sale and conveyance of the following described property to the grantees and for the consideration named below, together with payment by such grantees of the estimated publication costs of the transaction, be and is hereby approved:

To: Denis and Nancy Wolf-Keith for \$50

The West ½ of the vacated North/South alley right-of-way lying East of and adjoining Lot 8, of Saucerman's University Place Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(Vacated by Ordinance No. 13,814, passed April 24, 2000)

To: Filice L. Williams for \$50

The East ½ of the vacated North/South alley right-of-way lying West of and adjoining Lot 12, Saucerman's University Place Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(Vacated by Ordinance No. 13,814, passed April 24, 2000)

3. The Mayor is authorized and directed to sign the Quit Claim Deeds for the conveyances 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, the City Clerk is authorized and directed to forward the original 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 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 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.

DESCRIPTION REVIEWED



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

7. The proceeds associated with the conveyance of this parcel shall be deposited into the following account: CDM Index 950287, Fund: SP767, ORG: ENG980500, Fund Description: Property Maintenance Fund.

(Council Communication No. 09-008)

Moved by Vlassis to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank

Assistant City Attorney

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.

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

MOTION CARRIED

APPROVED

T. M. Franklin

Mayor

Diane Rauh

City Clerk