



Roll Call Number

09-730

Agenda Item Number

22

Dispositions: Page 1

Date May 4, 2009

**SET HEARING FOR THE VACATION AND CONVEYANCE OF PORTIONS OF EXCESS STREET AND ALLEY RIGHTS-OF-WAY LOCATED BETWEEN 18<sup>TH</sup> STREET AND 19<sup>TH</sup> STREET FROM ATKINS STREET TO DAY STREET TO RYAN GALLOWAY FOR \$5,875**

**WHEREAS**, Ryan Galloway is the owner of real property abutting excess street and alley rights-of-way located between 18<sup>th</sup> Street and 19<sup>th</sup> Street from Atkins Street to Day Street, hereinafter more fully described, and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of the portion of such rights-of-way described below; and

**WHEREAS**, on May 7, 2009, the above-described request for vacation and conveyance of said excess street and alley rights-of-way will be presented to the City of Des Moines Plan & Zoning Commission for review and recommendation to the City Council, which recommendation will be submitted for City Council to receive and file on May 18, 2009; and

**WHEREAS**, a public hearing and notice thereof is required by the Iowa Code prior to vacation and conveyance of said excess street and alley rights-of-way.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating portions of excess street and alley rights-of-way located between 18<sup>th</sup> Street and 19<sup>th</sup> Street from Atkins Street to Day Street, more specifically described as follows:

Lot 6 and the South 10.0 feet of Lot 5, Butler's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

and

The South 20 feet of Lot 42, Butler's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

and

All of the North/South alley right of way lying East of and adjoining the South 30 feet of Lot 37 and all of Lot 36, the North 20 feet of Lot 37 and all of Lot 38, and Lots 39, 40, and 41, and the South 20.0 feet of Lot 42, all in Butler's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. That if the City Council decides to vacate the above described rights-of-way, the City of Des Moines proposes to sell portions of such rights-of-way, as described below to the grantee and for the consideration identified below:

To: Ryan Galloway for \$5,875

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Vacated Lot 6 and the South 10.0 feet of Lot 5, Butler's Addition to Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

and

The vacated South 20 feet of Lot 42, Butler's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

and

All of the vacated North/South alley right of way lying East of and adjoining the South 30 feet of Lot 37 and all of Lot 36, the North 20 feet of Lot 37 and all of Lot 38, and the West 1/2 of the vacated North/ South alley lying east of and adjoining Lots 39, 40, 41, and the South 20 feet of Lot 42, all in Butler'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 meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such real estate is to be considered shall be on May 18, 2009, said meeting to be held at 5:00 p.m., in the Council Chamber.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

5. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

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

T. M. Franklin Council 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