

★ Roll Call Number
09-1376

Agenda Item Number
56

Page 1 (34-2009-000 #285)

Date July 27, 2009

**HOLD HEARING FOR CONVEYANCE OF A VACATED SEGMENT OF THE
EAST/WEST ALLEY BETWEEN SE 8TH AND SE 9TH STREETS, NORTH OF
E. RAILROAD AVENUE AND SOUTH OF VALE STREET,
TO LARRY PARSONS FOR \$100**

WHEREAS, the City of Des Moines owns excess real property located between SE 8th and SE 9th Streets, north of E. Railroad Avenue and south of Vale Street ("Property"), more particularly described below; and

WHEREAS, Larry Parsons is the owner of property abutting said City-owned property, and has offered to the City of Des Moines the purchase price of \$100.00 for the purchase of such City-owned Property, which price reflects the fair market value of the Property; and

WHEREAS, the City of Des Moines has no current or anticipated public need for the Property; and

WHEREAS, on July 13, 2009, by Roll Call No. 09-1213, it was duly resolved by the City Council that the proposed conveyance of said real property located between SE 8th and SE 9th Streets, north of E. Railroad Avenue and south of Vale Street, be set down for hearing on July 27, 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.

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 this property, as described below, are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of this property located between SE 8th and SE 9th Streets, north of E. Railroad Avenue and south of Vale Street, more specifically described as follows:

All that part of vacated East/West alley right-of-way Vacated by Ordinance No. 13,665 December 21, 1998, lying North of and adjoining Lots 3 and 4, Block 71, Town of De Moine, an Official Plat, Except the North ½ of vacated alley lying South of and adjoining the West 104.0 feet of Lot 9, of said Block 71, 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 City-owned property to Larry Parsons for \$100.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved.

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4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. The City Clerk is authorized and directed to forward the original of this 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 original of the Deed 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: Property Maintenance Endowment Fund, SP767, ENG980500.

(Council Communication No. 09-527)

Moved by Meyer to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

rw

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL (7).

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 Council Mayor

Diane Rauh City Clerk