

★ Roll Call Number
09-1635

Agenda Item Number
22A

Date September 14, 2009

SET HEARING FOR VACATION AND CONVEYANCE OF THE NORTH / SOUTH ALLEY ADJOINING 101 SOUTHWEST 5TH STREET TO RUMELY LOFTS LIMITED PARTNERSHIP FOR \$13,959

WHEREAS, at their meeting on August 20, 2009, the City Plan and Zoning Commission considered and recommended conditional approval for the vacation and conveyance of the North/South alley right-of-way adjoining 101 Southwest 5th Street, hereinafter more fully described, and on September 14, 2009, the City Council will receive and file the Plan and Zoning Commission's report and recommendation, prior to proceeding with the public hearing for the sale of this property; and

WHEREAS, the grantee identified below is the purchaser of the 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.

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 the North/South alley right-of-way adjoining 101 Southwest 5th Street, more specifically described as follows:

All that part of the North/South alley right-of-way lying East of and adjoining the South 28.0 feet of Lot 2 of the Official Plat of Lot 1, Block 19, Fort Des Moines, an Official Plat, and lying East of and adjoining Lot 2, Block 19, Fort Des Moines, 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 right-of-way, the City of Des Moines proposes to sell such right-of-way, as described below, to the grantee and for the consideration identified below, subject to the prior condition that the grantee close on the purchase and demonstrate ownership of the abutting property:

To: Rumely Lofts Limited Partnership for \$13,959

All that part of the vacated North/South alley right-of-way lying East of and adjoining the South 28.0 feet of Lot 2 of the Official Plat of Lot 1, Block 19, Fort Des Moines, an Official Plat, and lying East of and adjoining Lot 2, Block 19, Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

DESCRIPTION REVIEWED
James D. Hill
9/19/09 11:30

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3. That the meeting of the City Council at which the adoption of said ordinance and the conditional sale and conveyance of such real estate is to be considered shall be on September 28, 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 Vlassis 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	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.

MOTION CARRIED 7 APPROVED
T. M. Franklin Mayor

Diane Rauh City Clerk