

★ Roll Call Number

10-642

Agenda Item Number

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Date April 26, 2010

HOLD HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF THE EAST-WEST ALLEY BETWEEN WALKER STREET AND MAPLE STREET FROM EAST 14TH STREET TO JOHNSON COURT TO DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT FOR \$1

WHEREAS, on May 8, 2006, by Roll Call No. 06-885, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of the east-west alley between Walker Street and Maple Street from East 14th Street to Johnson Court, hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantee identified below is the owner of 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 such right-of-way described below, in order to use such right-of-way for the expansion of and incorporation into their existing site, which conveyance will be subject to reservation of a public access easement over the western portion of the vacated alley for access to the adjoining property; and

WHEREAS, on April 12, 2010, by Roll Call No. 10-504, 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 April 26, 2010, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey 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 a portion of the east-west alley between Walker Street and Maple Street from East 14th Street to Johnson Court, more specifically described as follows:

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2. There is no public need or benefit for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of a portion of the east-west alley between Walker Street and Maple Street from East 14th Street to Johnson Court, more specifically described as follows:

All of the east-west alley right of way lying west of the west right-of-way line of US Highway 69 (also known as Johnson Court, as presently established) and lying north of and adjoining Lots 4 through 13, Block 36, Stewart's Addition to the City of Des Moines, an Official Plat, 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 right-of-way to Des Moines Independent Community School District for \$1 and the grant to City of the real property needed for the Des Moines/Raccoon Rivers – Birdland Levee Project, be and is hereby approved:

All of the vacated east-west alley right of way lying west of the west right-of-way line of US Highway 69 (also known as Johnson Court, as presently established) and lying north of and adjoining Lots 4 through 13, Block 36, Stewart's Addition to the City of Des Moines, 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 Offer to Purchase and the Quit Claim Deed for the conveyance 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, the City Clerk is authorized and directed to forward the original of the said 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 Quit Claim Deed and copies of the other documents to the grantee.

8. There will be no proceeds associated with the conveyance of this property.

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Moved by Meyer to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Includes a signature for Mayor T. M. Franklin and a 'MOTION CARRIED' stamp.

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