

★ Roll Call Number

10-1061

Agenda Item Number

43

Date June 28, 2010

**HOLD HEARING FOR CONVEYANCE OF A PORTION OF THE VACATED ALLEY LOCATED WEST OF 4136 AMHERST AVENUE TO DONNA McCONKEY, TRUSTEE FOR THE MAURINE T. LEE REVOCABLE TRUST FOR \$50**

**WHEREAS**, the City of Des Moines owns excess real property that is a portion of the vacated alley located west of 4136 Amherst Avenue, more particularly described below ("Property"); and

**WHEREAS**, Donna McConkey, Trustee of the Maurine T. Lee Revocable Trust that owns real property abutting said City-owned Property, has offered to the City of Des Moines the purchase price of \$50.00 for the purchase of such Property in order to incorporate it into their residential lot, and which price reflects the fair market value of the Property as currently estimated by the City's Real Estate Division; and

**WHEREAS**, the City of Des Moines has no current or anticipated public need for the Property and the City will not be inconvenienced by the sale of said Property, subject to reservation of an easement for ingress and egress across the Property; and

**WHEREAS**, on June 14, 2010, by Roll Call No. 10-901, it was duly resolved by the City Council that the proposed conveyance of the Property to Donna McConkey, Trustee for the Maurine T. Lee Revocable Trust for \$50.00, be set down for hearing on June 28, 2010, at 5:00 p.m., in the Council Chambers; and

**WHEREAS**, due notice of said proposal to convey the Property 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 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 conveyance of City-owned property described below are hereby overruled and the hearing is closed.
2. That the sale and conveyance of the following described City-owned property to Donna McConkey, Trustee for the Maurine T. Lee Revocable Trust for \$50.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

All of Lot F being the vacated North/South alley right-of-way lying West of and adjoining Lot 5 in Block 2 in the Official Plat of the Northeast ¼ of the Southwest ¼ of Section 23, Township 79 North, Range 24 West of the 5<sup>th</sup> P.M., except the East 830.4 feet of the South ½, (as vacated by Ordinance No. 13,413, passed January 6, 1997), all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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3. 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.
4. Upon proof of payment of the consideration plus \$113.00 for publication and recording costs, 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.
5. 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.
6. 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.
7. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

(Council Communication No. 10-401)

Moved by Mahaffey to adopt

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
GRIESS	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
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  
 Mayor

Diane Rauh  
 City Clerk