

★ Roll Call Number

10-1496

Agenda Item Number

53

Date September 13, 2010

**HOLD HEARING FOR CONVEYANCE OF A PORTION OF THE  
VACATED ALLEY LOCATED EAST OF 831 40<sup>TH</sup> PLACE TO  
ROGER E. AND LORI RENAE SHORT FOR \$25**

**WHEREAS**, by Ordinance No. 4338 passed in 1936, the City of Des Moines vacated a portion of the north/south alley located east of 831 40<sup>th</sup> Place, more particularly described below (“Property”); and

**WHEREAS**, Roger E. Short and Lori Renae Short own real property abutting said City-owned Property, and have offered to the City of Des Moines the purchase price of \$25.00 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; and

**WHEREAS**, on August 23, 2010, by Roll Call No. 10- 1364, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on September 13, 2010, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to sell 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 Roger E. Short and Lori Renae Short for \$25.00, together with payment by such grantees of the estimated publication and recording costs for this transaction, be and is hereby approved:

The West Seven (7) Feet of the North/South Vacated Alley lying east of and adjoining Lot 73 Bryn Mawr Heights Addition to Des Moines, an Official Plat 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 grantees.
7. 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  
Glenna K. Frank, Assistant City Attorney

(Council Communication No. 10-547)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
GRIESS	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED  
T. M. Franklin 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