

★ Roll Call Number

10-2016

Agenda Item Number

36

Date December 6, 2010

HOLD HEARING FOR CONVEYANCE OF A PORTION OF THE VACATED ALLEY LOCATED EAST OF 2401 SE 6th STREET TO SOUTHSIDE ASSEMBLY CHURCH OF DES MOINES, IOWA, INC. FOR \$25

WHEREAS, on April 18, 1977, by Roll Call No. 1455, the City Council of the City of Des Moines approved an ordinance vacating a fourteen-foot north/south alley in the vicinity of SE 7th Street and Bell Avenue, a portion of which is located east of 2401 SE 6th Street, more particularly described below (“Property”); and

WHEREAS, Southside Assembly Church Of Des Moines, Iowa, Inc., owns real property abutting said City-owned Property, and has 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 existing 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 November 22, 2010, by Roll Call No. 10- 1928, it was duly resolved by the City Council that the proposed conveyance of said Property to Southside Assembly Church of Des Moines, Iowa, Inc. for \$25.00 be set down for hearing on December 6, 2010, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey this 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 a portion of the vacated alley located east of 2401 SE 6th Street, legally described below, are hereby overruled and the hearing is closed.
2. The conveyance of the following described property to Southside Assembly Church of Des Moines, Iowa, Inc. for \$25.00 be and is hereby approved:

The West ½ of the Vacated North/South Alley lying east of and adjoining the North 3.5 feet of Lot 27, Block 3 and the West ½ of the Vacated North/South Alley lying east of and adjoining Lot 28, Block 3 of Beckwith’s Subdivision of Lots 5-6-7-8-9-10-11 & 12, of Talmadge’s Subdivision to Des Moines, an Official Plat all now included in and forming a



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part of the City of Des Moines, Polk County, Iowa (Vacated by Ordinance No. 9257, passed on April 18, 1977.)

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.

Moved by Meyer to adopt

(Council Communication No. 10-720)

APPROVED AS TO FORM:

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 Council Mayor

Diane Rauh City Clerk