



Roll Call Number

11-1365

Agenda Item Number

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Date August 8, 2011

SET HEARING FOR VACATION AND CONVEYANCE OF A 20-FOOT SEGMENT OF THE REMAINING NORTH - SOUTH ALLEY LYING WITHIN PROPERTY LOCATED AT 1401 EAST 12TH STREET TO THE DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT

WHEREAS, on July 10, 1926, the City Council of the City of Des Moines approved Ordinance No. 3655 vacating the north-south alley right-of-way lying between East Twelfth Street and East Thirteenth Street from Cleveland Avenue north to the Chicago and Northwestern Railway Company's right-of-way, except the north twenty (20) feet thereof, which property was conveyed by the City to the Independent School District of Des Moines n/k/a Des Moines Independent Community School District ("School District") by Quit Claim Deed recorded on December 21, 1953; and

WHEREAS, on May 20, 1991, by Roll Call No. 91-2163, the City Council approved Ordinance No. 11,665, vacating a portion of the north-south alley right-of-way directly north of the property described above, lying between East Twelfth Street and East Thirteenth Street from the Chicago and Northwestern Railway Company's right-of-way to the north, which property was conveyed by the City to the School District by Quit Claim Deed recorded on July 29, 1991, as approved by City Council by Roll Call No. 91-2547; and

WHEREAS, the School District is the owner of the vacated alleys as described above and all surrounding lots, locally known as 1401 E. 12th Street ("School District parcel"), and has requested that the City vacate and convey the remaining portion of the alley described below that is wholly within the School District parcel and has been used for school purposes; and

WHEREAS, there is no known current or future public need for the right-of-way proposed to be vacated, the City will not be inconvenienced by the conveyance of said property, and due to the de minimis nature of the vacation and the current location of the property wholly within the School District parcel and its extended use for school purposes, City staff have determined that Plan & Zoning Commission review of the vacation should not be required; and

WHEREAS, the City's Real Estate Division has further determined that there is no current or future City need for the conveyance of property from the School District as consideration pursuant to Ordinance No. 3655, which property is also wholly within the School District parcel, and the requirement that said property be conveyed to the City should be waived.

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 remaining twenty (20) feet of the north-south alley right-of-way lying within property locally known as 1401 East 12th Street, more specifically described as follows:

The north 20.0 feet of the north-south alley right-of-way running from Cleveland Avenue to the former Chicago and Northwestern Railway Company's right-of-way, immediately east of Lot 178 and immediately west of Lot 252, Capital Park Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.



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2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to convey such right-of-way, as described below, to the Des Moines Independent Community School District in accordance with Iowa Code Section 364.7(3):

The vacated north 20.0 feet of the north-south alley right-of-way running from Cleveland Avenue to the former Chicago and Northwestern Railway Company's right-of-way, immediately east of Lot 178 and immediately west of Lot 252, Capital Park Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such real estate is to be considered shall be on August 29, 2011, 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 Section 362.3 of the Iowa Code.

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

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

RAN

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

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