

★ Roll Call Number
12-0184

Agenda Item Number
21

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Date February 13, 2012

**SET HEARING FOR VACATION AND CONVEYANCE OF A PERMANENT EASEMENT
WITHIN A PORTION OF EXCESS SW 8TH STREET RIGHT-OF-WAY ADJOINING
729 BELL AVENUE TO KRISTIN KONCHALSKI FOR \$200**

WHEREAS, on October 24, 2011, by Roll Call No. 11-1778, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of Southwest 8th Street east of and adjoining the real property locally known as 729 Bell Avenue and west of the travelled, improved portion of the street, hereinafter more fully described, be vacated subject to provision of easements for any existing utilities until relocation at the applicant's expense, and the requirement that the applicant obtain relief from Zoning Board of Adjustment for fence construction within the required front yard setback; and

WHEREAS, Kristin Konchalski is the applicant and owner of 729 Bell Avenue adjoining the City-owned excess right-of-way of SW 8th Street, and has offered to the City of Des Moines the purchase price of \$200 for the vacation and conveyance of a permanent easement within such excess right-of-way described below for existing fence and building encroachments, which purchase price reflects the fair market value of the easement as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the proposed easement area within the excess City right-of-way of Southwest 8th Street adjoining 729 Bell Avenue, and the City will not be inconvenienced by the conveyance of the proposed easement subject to the conditions set forth in the Plan and Zoning Commission recommendation.

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 a portion of Southwest 8th Street east of and adjoining 729 Bell Avenue and west of the travelled, improved portion of the street, more specifically described as follows:

ALL THAT PART OF SW 8TH STREET RIGHT OF WAY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT 46 FEET EAST OF THE NORTHWEST CORNER OF LOT 6 HATTON ACRES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY IOWA; THENCE SOUTHWESTERLY TO A POINT 50 FEET SOUTH OF AND 48 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 6; THENCE CONTINUING SOUTH TO A POINT ON THE SOUTH LOT LINE 48 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 6; THENCE CONTINUING WEST ON SAID SOUTH LOT LINE, TO A POINT 60 FEET WEST OF SAID SOUTHEAST CORNER OF LOT 6; THENCE CONTINUING NORTH, APPROXIMATELY 202 FEET TO A

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POINT THAT IS 26 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 6;
 THENCE EAST ALONG THE NORTH LINE OF SAID LOT 6 TO THE POINT OF
 BEGINNING.

2. That if the City Council decides to vacate the above described excess City right-of-way, the City of Des Moines proposes to convey a permanent easement for existing fence and building encroachments upon such right-of-way, as vacated, to adjoining owner Kristin Konchalski for \$200.00.
3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such easement is to be considered shall be on February 27, 2012, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
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 Code of Iowa.
5. The proceeds from the conveyance of the proposed permanent easement 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 ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

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