

12-0455

19

Date March 26, 2012

SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF SE 21ST COURT AND A PORTION OF SHAW STREET RIGHT-OF-WAY ADJOINING 607 SE 21ST COURT TO AVAILABLE MATERIAL HANDLING LLC (AMH) FOR \$3,500

WHEREAS, on February 27, 2012, by Roll Call No. 12-0278, the City Council received the recommendation from the Plan and Zoning Commission that a portion of SE 21st Court from Scott Avenue to the Union Pacific Railroad and a portion of Shaw Street right-of-way adjoining 607 SE 21st Court from the Union Pacific Railroad to the north/south alley, hereinafter more fully described, be vacated and conveyed to Available Material Handling LLC, (AMH) subject to reservation of easements for all public utilities in place and subject to conformance with an approved Site Plan for the existing non-conforming contractor's storage yard use on adjoining property to the east and north, to include conformance with current Site Plan and landscaping requirements; and

WHEREAS, AMH is the owner of 607 SE 21st Court, and has offered to the City of Des Moines the purchase price of \$3,500 for the purchase of the City right-of-way more specifically described below for incorporation with the adjoining property, subject to the Plan and Zoning Commission recommendations as stated above, which price reflects the fair market value of the property 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 right-of-way proposed to be vacated and conveyed, and the City will not be inconvenienced by the vacation and conveyance of said property.

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 SE 21st Court from Scott Avenue to the Union Pacific Railroad and a portion of Shaw Street right-of-way adjoining 607 SE 21st Court from the Union Pacific Railroad to the north/south alley, more specifically described as follows:

ALL THAT PART OF THE SHAW STREET LYING WEST OF THE SOUTHERLY EXTENSION OF THE NORTH-SOUTH ALLEY IN BLOCK 7, JACK'S PLAT, AN OFFICIAL PLAT, AND EAST OF THE UNION PACIFIC RAILROAD RIGHT OF WAY, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

ALL THAT PART OF THE SOUTHEAST 21ST COURT LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF SCOTT STREET (AVENUE), AND NORTH OF THE UNION PACIFIC RAILROAD RIGHT OF WAY, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to convey such vacated right-of-way to the Available Material Handling LLC for \$3,500, subject to the Plan and Zoning Commission recommendations as stated above.

3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such real estate is to be considered shall be on April 9, 2012, said meeting to be held at 5:00 p.m., in the Council Chamber.

★ Roll Call Number
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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. 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

rw

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

T. M. Franklin Mayor
MOTION CARRIED APPROVED

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