

★ Roll Call Number

120489

Agenda Item Number

44

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Date March 26, 2012

HOLD HEARING FOR CONVEYANCE OF THE PORTION OF VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY NORTH OF SCOTT AVENUE BETWEEN SE 6TH AND SE 7TH STREETS ADJOINING 506 SE 7TH STREET TO JEANNE M. WARE AND BES M. SANDBERG IN EXCHANGE FOR AN ACCESS RIGHTS DEED REQUIRED FOR THE SOUTHEAST CONNECTOR PROJECT

WHEREAS, on January 6, 1992, by Roll Call No. 92-035, the City Council passed Ordinance No. 11,762 vacating the north/south alley right-of-way north of Scott Avenue between SE 6th and SE 7th Streets; and

WHEREAS, on April 25, 2005, by Roll Call No. 05-969, the City Council authorized acquisition of the necessary right-of-way and easements for the Southeast Connector Project from SW 2nd Street to SE 14th Street; and

WHEREAS, the properties at 500 and 506 SE 7th Street, owned by Jeanne M. Ware and Bes M. Sandberg, had access to Allen Street that was eliminated due to the Southeast Connector Project; and

WHEREAS, the City Real Estate Division has acquired an Access Rights Deed from Jeanne M. Ware and Bes M. Sandberg acquiring all rights of direct access to their property from Allen Street as required by the Southeast Connector Project, with consideration being conveyance from the City of the adjoining vacated alley to provide comparable access to their property subject to restrictions on use and development of the parcel; and

WHEREAS, there is no known current or future public need or benefit for the vacated right-of-way proposed to be exchanged, and the City will not be inconvenienced by the conveyance of said property; and

WHEREAS, on March 12, 2012, by Roll Call No. 12-0384, it was duly resolved by the City Council that the proposed conveyance of such vacated right-of-way be set down for hearing on March 26, 2012, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey this public real 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 this property, as described below, are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of the portion of vacated north/south alley right-of-way north of Scott Avenue between SE 6th and SE 7th Streets adjoining the real property locally known as 506 SE 7th Street, more specifically described as follows:

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ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 1 AND 2, BLOCK 47, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. (VACATED BY ORDINANCE NO. 11,762, PASSED JANUARY 6, 1992)

- That the conveyance of such property to Jeanne M. Ware and Bes M. Sandberg, subject to restrictions on use and development of the parcel, as consideration and in exchange for conveyance by Jeanne M. Ware and Bes M. Sandberg to the City of an Access Rights Deed releasing all rights of direct access between Allen Street and the properties at 500 and 506 SE 7th Street as required by the Southeast Connect Project, be and is hereby approved.
- The Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
- The City Clerk is authorized and directed to forward the original of this 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.
- 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.
- Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Deed and copies of the other documents to the grantees.
- There will be no proceeds associated with this exchange.

Moved by Meyer to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
KIERNAN	✓			
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