

Date April 9, 2012

**SET HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY LYING BETWEEN SW 9<sup>TH</sup> STREET AND SW 12<sup>TH</sup> STREET FROM VIRGINIA AVENUE TO PLEASANT VIEW DRIVE TO MULTIPLE PROPERTY OWNERS**

**WHEREAS**, on September 12, 2011, by Roll Call No. 11-1572, the City Council received a recommendation from the City Plan and Zoning Commission that the north/south alley between Southwest (SW) 9<sup>th</sup> Street and Southwest (SW) 12<sup>th</sup> Street from Virginia Avenue to Pleasant View Drive be vacated, for conveyance to multiple adjoining property owners, subject to reservation of easements for utilities, and for restricted public access over the southern half of the alley; and

**WHEREAS**, Jennifer and Jeremy Kerns are the owners of the property locally known as 1122 Virginia Avenue that abuts such right-of-way, and have offered to the City of Des Moines the purchase price of \$150.00 for the vacation and purchase of a portion of such right-of-way as described below for the purpose of driveway access and residential side yard expansion, which price reflects the restricted use fair market value of the property as currently estimated by the City's Real Estate Division; and

**WHEREAS**, Maureen Petet is the owner of the property locally known as 1123 Pleasant View Drive that also abuts such right-of-way and has offered to the City of Des Moines the purchase price of \$75.00 for the vacation and purchase of a portion of such right-of-way as described below for the purpose of driveway access and residential side yard expansion, which price reflects the restricted use fair market value of the property as currently estimated by the City's Real Estate Division; and

**WHEREAS**, Braxton Pulley is the owner of the property locally known as 3015 SW 12<sup>th</sup> Street that also abuts such right-of-way and has offered to the City of Des Moines the purchase price of \$75.00 for the vacation and purchase of a portion of such right-of-way as described below for the purpose of driveway access and residential side yard expansion, which price reflects the restricted use 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 sold, and the City will not be inconvenienced by the vacation and sale 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 the north/south alley between Southwest 9<sup>th</sup> Street and Southwest 12<sup>th</sup> Street from Virginia Avenue to Pleasant View Drive, more specifically described as follows:

All that part of the North/South Alley East of and adjoining Lots 14, 15, 16 and 17 of Virginia Heights, an Official Plat, all now included in and forming a part 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 further proposes to sell a portion of such vacated right-of-way to Jennifer and Jeremy Kerns for \$150.00, and a portion thereof to Maureen Petet for \$75.00, and the remaining portion thereof to Braxton Pulley for \$75.00, all in accordance with the requirements of the Plan and Zoning Commission recommendations and the terms of the respective Offers on file with the City Clerk, as follows:

★ Roll Call Number  
120521

Agenda Item Number  
16

Date April 9, 2012

TO: Jennifer and Jeremy Kerns for \$150.00

All that part of the vacated North/South Alley East of and adjoining Lot 14 and Lot 15 of Virginia Heights, an Official Plat, all now included in and forming a part of Des Moines, Polk County, Iowa

TO: Maureen Petet for \$75.00

All that part of the East ½ of the vacated North/South Alley East of Lot 16 and Lot 17 of Virginia Heights, an Official Plat, all now included in and forming a part of Des Moines, Polk County, Iowa

TO: Braxton Pulley for \$75.00

All that part of the West ½ of the vacated North/South Alley East of and adjoining Lot 16 and Lot 17 of Virginia Heights, an Official Plat, all now included in and forming a part 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 April 23, 2012, 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. 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

*psw*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
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 Mayor

Diane Rauh City Clerk