

★ Roll Call Number

12-0631

Agenda Item Number

38

Date April 23, 2012

HOLD HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/ SOUTH ALLEY LYING BETWEEN SW 9TH STREET AND SW 12TH STREET AND RUNNING FROM VIRGINIA AVENUE TO PLEASANT VIEW DRIVE TO MULTIPLE PROPERTY OWNERS FOR \$300

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 SW 9th Street and SW 12th Street and running from Virginia Avenue to Pleasant View Drive be vacated, and conveyed to the to multiple property owners, subject to reservation of easement for utilities and public access; and

WHEREAS, Jennifer and Jeremy Kerns are the owners of the property locally known as 1122 SW Virginia Ave. that abuts such right-of-way and has 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 12th 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; and

WHEREAS, on April 9, 2012, by Roll Call No. 12- 0521, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way and conveyance be set down for hearing on April 23, 2012, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and 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 said proposed vacation and conveyance of public right-of-way, all as described below, are hereby overruled and the hearing is closed.

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2. There is no public need or benefit for the City-owned right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the north/south alley between Southwest 9th Street and Southwest 12th 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

3. That the sale and conveyance of 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, together with payment by such grantees of the estimated publication and recording costs for this transaction and all in accordance with the requirements of the Plan and Zoning Commission recommendations and the terms of the Offers on file with the City Clerk, be and are hereby approved:

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

4. Upon final passage of an ordinance vacating the said right-of-way and upon proof of payment of the deposit plus publication and recording costs, the Mayor is authorized and directed to sign the Offers to Purchase and the Quit Claim Deeds for the conveyances as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. The City Clerk is further authorized and directed to forward the original of said Offers and Deeds, 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 the Deeds to be recorded following closing, and the Real Estate Division Manager is authorized and directed to forward the Deeds following closing to the Polk County Recorder for recording.

6. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

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(Council Communication No. 12185)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

PSN

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, Mayor

Diane Rauh, City Clerk