

★ **Roll Call Number**
13-0204

Agenda Item Number
26

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Date February 11, 2013

**SET HEARING FOR VACATION AND CONVEYANCE OF THE WEST 15 FEET OF 24TH DRIVE
BETWEEN FRANKLIN AVENUE AND WASHINGTON AVENUE TO
ERICH J. RIESENBERG, TRUSTEE OF THE ERICH J. RIESENBERG LIVING TRUST, FOR \$350**

WHEREAS, on November 5, 2012, by Roll Call No. 12-1699, the City Council received a recommendation from the City Plan and Zoning Commission that the west 15 feet of 24th Drive lying between Franklin Avenue and Washington Avenue be vacated, subject to fence location and design requirements; and

WHEREAS, Erich J. Riesenber, as Trustee of the Erich J. Riesenber Living Trust Dated June 8, 2002, is the owner of the real property locally known as 1700 24th Drive that abuts said right-of-way, and has offered to the City of Des Moines the purchase price of \$350.00 for the vacation and purchase of a fee simple interest in such excess right-of-way as legally described below, for fence construction and residential side yard expansion, which purchase 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 west 15 feet of 24th Drive between Franklin Avenue and Washington Avenue, more specifically described as follows:

THE WEST 15.0 FEET OF 24TH DRIVE RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOTS 37 THROUGH 48, KIRKWOOD GLEN, AN OFFICIAL PLAT, 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 further proposes to sell such vacated right-of-way to Erich J. Riesenber, as Trustee of the Erich J. Riesenber Living Trust Dated June 8, 2002, for \$350.00, in accordance with the requirements of the Plan and Zoning Commission recommendation:

THE VACATED WEST 15.0 FEET OF 24TH DRIVE RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOTS 37 THROUGH 48, KIRKWOOD GLEN, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That a public hearing will be held on February 25, 2013, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposals and any other(s) submitted prior to or during the public hearing.

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4. That the City Clerk is hereby authorized and directed to publish notice of said proposals 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: \$350 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			
MOTION CARRIED		APPROVED		
<u>T. M. Franklin</u> 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