

Date March 11, 2013

SET HEARING FOR THE VACATION AND CONVEYANCE OF THE WEST 15 FEET OF SE 15TH STREET RIGHT OF WAY ADJOINING 1437 MAURY STREET TO EDITH C. RUPERTO AND CHARLES W. RUPERTO FOR \$7,821

WHEREAS, on June 8, 2009, by Roll Call No. 09-978, the City Council received a recommendation from the City Plan and Zoning Commission that the west 15 feet of SE 15th Street right-of-way adjoining 1437 Maury Street, hereinafter more fully described, be vacated and sold to the adjoining owner, subject to reservation of easements for existing utilities and the condition that any expansion of the adjoining vehicle display lot onto the requested right-of-way be subject to approval of a Site Plan under Design Guidelines for Vehicle Display Lots by the Plan & Zoning Commission; and

WHEREAS, Edith C. Ruperto is the owner of the real property locally known as 1437 Maury Street which abuts said right-of-way, and Edith C. Ruperto and her son Charles W. Ruperto have offered to the City of Des Moines the purchase price of \$7,821.00 for the vacation and purchase of the fee simple interest in such excess right-of-way to incorporate into the existing adjoining vehicle display lot, which purchase 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 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 SE 15th Street right-of-way adjoining 1437 Maury Street, more specifically described as follows:

THE WEST 15 FEET OF SOUTHEAST 15TH STREET (FORMERLY KNOWN AS 17TH STREET) LYING EAST OF AND ADJOINING THE NORTH 474 FEET OF LOT 62, BROOKS & CO'S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING APPROXIMATELY 7,110 SQ FT, 0.16 ACRES.

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 Edith C. Ruperto and Charles W. Ruperto for \$7,821, in accordance with the requirements of the Plan and Zoning Commission recommendation:

THE VACATED WEST 15 FEET OF SOUTHEAST 15TH STREET (FORMERLY KNOWN AS 17TH STREET) LYING EAST OF AND ADJOINING THE NORTH 474 FEET OF LOT 62, BROOKS & CO'S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING APPROXIMATELY 7,110 SQ FT, 0.16 ACRES.

★ Roll Call Number

13-0396

Agenda Item Number

17

Dispositions: Page 2

Date March 11, 2013

3. That a public hearing will be held on March 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.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached, 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: \$7,821 Property Maintenance Endowment Fund: SP767, ENG980500)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

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

con

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

MOTION CARRIES APPROVED

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