

Date May 6, 2013

SET HEARING FOR VACATION AND CONVEYANCE OF THE SOUTH 45 FEET OF GUTHRIE AVENUE RIGHT-OF-WAY ADJOINING 2223 EAST 21ST STREET TO SUSAN AND BRENT SODDERS FOR \$500

WHEREAS, on February 25, 2013 by Roll Call No. 13-0305, the City Council received a recommendation from the City Plan and Zoning Commission that the south 69.2 feet of Guthrie Avenue adjoining 2223 East 21st Street be vacated, subject to easement for all existing utilities until such time as they are relocated at the applicant's expense and subject to retention of right-of-way within 12 feet of the south curb line along Guthrie Avenue; and

WHEREAS, in accordance with the Plan and Zoning Commission recommendation, the City's Traffic and Transportation Division and Real Estate Division staff have determined that the street improvements within and north of the south curb line along Guthrie Avenue should be retained by the City in addition to the right-of-way within 12 feet of the south curb line along Guthrie Avenue, and that the remaining south 45 feet of Guthrie Avenue right-of-way adjoining 2223 East 21st Street should be considered for vacation; and

WHEREAS, Susan and Brent Soddors are the owners of the real property locally known as 2223 East 21st Street that abuts said right-of-way, and have offered to the City of Des Moines the purchase price of \$500.00 for the vacation and purchase of a fee simple interest in such excess right-of-way as legally described below, for residential side yard expansion, 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 south 45 feet of Guthrie Avenue adjoining the real property locally known as 2223 East 21st Street, more specifically described as follows:

THE SOUTH 45 FEET OF LOT 32 BLOCK 27 OF EASTON PLACE, AN OFFICIAL PLAT, ALL 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, described as follows, to Susan and Brent Soddors for \$500.00, subject to reservation of easement for existing utilities:

THE VACATED SOUTH 45 FEET OF LOT 32 BLOCK 27 OF EASTON PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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3. That a public hearing will be held on May 20, 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 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: \$500, Fund: SP767, Org: ENG980500.

Moved by Mahaffey 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
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