

★ Roll Call Number

13-1472

Agenda Item Number

13 A

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Date September 23, 2013

**SET HEARING FOR VACATION OF A SEGMENT OF 45<sup>th</sup> STREET RIGHT-OF-WAY IN THE VICINITY OF 4421 FRANKLIN AVENUE, AND CONVEYANCE OF A PORTION THEREOF TO DAVID A. WRIGHT TRUST AND KATHERINE N. SIRCY TRUST FOR \$200, AND CONVEYANCE OF A PORTION THEREOF TO MARY BETH ANZIVINO FOR \$200**

**WHEREAS**, on September 23, 2013, by Roll Call No. 13-1471, the City Council received a recommendation from the City Plan and Zoning Commission that a segment of 45<sup>th</sup> Street right-of-way in the vicinity of 4421 Franklin Avenue ("City Right-of-Way"), hereinafter more fully described, be vacated for conveyance to the adjoining property owners, subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated; and

**WHEREAS**, David A. Wright, as Trustee of the David A. Wright Trust, and Katherine N. Sircy, as Trustee of the Katherine N. Sircy Trust, are the owners of the property locally known as 4421 Franklin Avenue that abuts the City Right-of-Way to the east thereof, and have offered to the City of Des Moines the purchase price of \$200 for the vacation and purchase of a portion of the City Right-of-Way, as legally described below, for the purpose of residential side yard expansion, which price reflects the fair market value of the property as currently estimated by the City's Real Estate Division; and

**WHEREAS**, Mary Beth Anzivino is the owner of the property locally known as 4501 Franklin Avenue that abuts the City Right-of-Way to the west thereof, and has offered to the City of Des Moines the purchase price of \$200 for the vacation and purchase of a portion of the City Right-of-Way, as legally described below, for the purpose of residential side yard expansion, which 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 City Right-of-Way proposed to be vacated and conveyed, 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 a segment of 45<sup>th</sup> Street right-of-way in the vicinity of 4421 Franklin Avenue, more specifically described as follows:

THE WEST 25 FEET OF LOT 24, HICKMAN HIGHLANDS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

THE EAST 25 FEET OF LOT 25, HICKMAN HIGHLANDS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such vacated right-of-way, as described below, to the grantees and for the consideration identified below:

To: David A. Wright, as Trustee of the David A. Wright Trust and Katherine N. Sircy, as Trustee of the Katherine N. Sircy Trust for \$200

THE VACATED WEST 25 FEET OF LOT 24, HICKMAN HIGHLANDS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

To: Mary Beth Anzivino for \$200

THE VACATED EAST 25 FEET OF LOT 25, HICKMAN HIGHLANDS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY 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 October 7, 2013, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

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. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Meyer 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	6	0	0	1
MOTION CARRIED	APPROVED			

Chris Coleman  
MAYOR PRO TEM

**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