

13 - 1893

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Date December 9, 2013

SET HEARING FOR VACATION AND CONVEYANCE OF A SEGMENT OF EAST 26TH STREET RIGHT-OF-WAY ADJOINING 2597 DEAN AVENUE TO JOHNSON BROTHERS OF IOWA, INC., FOR \$625

WHEREAS, a segment of City-owned East 26th Street right-of-way (herein "City Right-of-Way") lying west of and adjoining the real property locally known as 2597 Dean Avenue has been determined by the City Engineer and City Traffic Engineer to have no significant impact upon public access, and to be no longer needed for City or public purposes; and

WHEREAS, Johnson Brothers of Iowa, Inc. is the owner of the real property locally known as 2597 Dean Avenue adjoining the City Right-of-Way, and has offered to the City of Des Moines the purchase price of \$625 for the purchase of the City Right-of-Way for incorporation into its property and to allow for business expansion, which purchase price reflects the fair market value of the City Right-of-Way 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 sold, the City and public will not be inconvenienced by the vacation and sale of said property, and City staff report and recommend that the proposed vacation and conveyance be approved.

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 East 26th Street right-of-way lying west of and adjoining 2597 Dean Avenue, more specifically described as follows:

THE EAST 11.21 FEET OF THE SOUTH 55.6 FEET OF ALL THAT PART OF EAST 26TH STREET RIGHT-OF-WAY LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF DEAN AVENUE, AS IT IS PRESENTLY ESTABLISHED, AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF THE CHICAGO, ROCK ISLAND, AND PACIFIC RAILROAD, AS IT IS PRESENTLY ESTABLISHED, BEING PART OF THE OFFICIAL PLAT OF THE SOUTH HALF (1/2) OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., 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, as legally described below, to Johnson Brothers of Iowa, Inc. for \$625:

THE VACATED EAST 11.21 FEET OF THE SOUTH 55.6 FEET OF ALL THAT PART OF EAST 26TH STREET RIGHT-OF-WAY LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF DEAN AVENUE, AS IT IS PRESENTLY ESTABLISHED, AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF THE CHICAGO, ROCK ISLAND, AND PACIFIC RAILROAD, AS IT IS PRESENTLY

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ESTABLISHED, BEING PART OF THE OFFICIAL PLAT OF THE SOUTH HALF (1/2) OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL 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 December 23, 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. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

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

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
VOSS	✓			
TOTAL	7			

MOTION CARRIED 7 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