

★ **Roll Call Number**
..... 14-0478

Agenda Item Number
..... 18

Date..... March 24, 2014

SET HEARING FOR VACATION AND CONVEYANCE OF DEAD-END SEGMENT OF EAST/WEST ALLEY RIGHT-OF-WAY IN THE VICINITY OF 2125 HIGH STREET TO FREEDOM FINANCIAL BANK FOR \$2,400

WHEREAS, on February 24, 2014, by Roll Call No. 14-0278, the City Council received and filed a recommendation from the City Plan and Zoning Commission that a dead-end segment of east/west alley in the vicinity of 2125 High Street (“City Right-of-Way”), legally described below, be vacated subject to reservation of an easement for any existing utilities; and

WHEREAS, City staff have further determined that such vacation should be subject to reservation of an access easement for public vehicular access across the City Right-of-Way in addition to the utility easement; and

WHEREAS, Freedom Financial Bank, located at 600 Martin Luther King Jr. Parkway and adjoining the City Right-of-Way, has offered to the City of Des Moines the purchase price of \$2,400.00 for the purchase of the City Right-of-Way in order to allow for construction of a wider drive access to their drive-through teller lanes, which 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 sold and the City will not be inconvenienced by the sale of said City Right-of-Way.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating a dead-end segment of east/west alley right-of-way in the vicinity of 2125 High Street, as legally described below:

ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 6 OF PARK PLACE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 800 SQUARE FEET.

2. That if the City Council decides to vacate the above described City right-of-way, the City of Des Moines proposes to convey such vacated right-of-way, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein:

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To: Freedom Financial Bank
 For: \$2,400.00
 Legal Description:

ALL THAT VACATED PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 6 OF PARK PLACE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 800 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such City Right-of-Way is to be considered shall be on April 7, 2014, said meeting to be held at 5:00 p.m., in the Council Chamber.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposal and hearing 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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

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

T. M. Franklin Mayor
 City Council