

★ Roll Call Number

14-0498

Agenda Item Number

36

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Date March 24, 2014

**HOLD HEARING FOR CONVEYANCE OF A PORTION OF THE VACATED  
EAST/WEST ALLEY RIGHT-OF-WAY ADJOINING 1709 FRANCIS AVENUE TO  
OLGA MARINA AYALA FOR \$25**

**WHEREAS**, on February 6, 1978, City Council approved and adopted Ordinance No. 9365 vacating all of the east/west alley right-of-way north of Francis Avenue and south of Hickman Road between 16<sup>th</sup> Street and 18th Street, including the portion thereof adjoining 1709 Francis Avenue ("Property"), subject to the reservation of an easement for all utilities in place and reservation of right of entry for servicing same; and

**WHEREAS**, Olga Marina Ayala, owner of 1709 Francis Avenue, has offered to the City of Des Moines the purchase price of \$25.00 for the purchase of such Property for incorporation into her residential property, 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 for the Property proposed to be sold and the City will not be inconvenienced by the sale of said Property; and

**WHEREAS**, on March 10, 2014 by Roll Call No. 14-0377, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on March 24, 2014, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey the Property was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the vacated alley right-of-way as described below are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of the portion of the vacated east/west alley right-of-way north of Francis Avenue and south of Hickman Road between 16<sup>th</sup> Street and 18th Street that adjoins 1709 Francis Avenue, as legally described and to the grantee and for the consideration

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identified below, subject to reservation of easements therein, and said conveyance is hereby approved:

To: Olga Marina Ayala  
For: \$25

**Legal Description:**

THE SOUTH ½ OF THE VACATED ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOT 9, BLOCK 1, NORWOOD PARK ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. Upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Deed and copies of the other documents to the grantees.
7. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

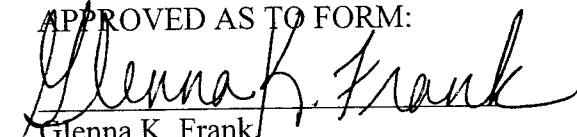
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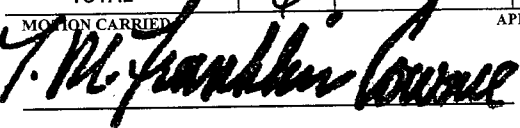
Date March 24, 2014

(Council Communication No. 14- 121 )

Moved by Gray to adopt.

APPROVED AS TO FORM:  
  
Glenna K. Frank  
Assistant City Attorney

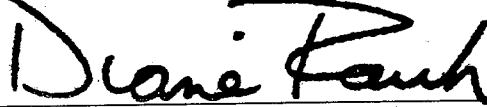
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	6			1

MOTION CARRIED APPROVED  
 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.

 City Clerk