



Roll Call Number

14-0542

Agenda Item Number

24

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Date April 7, 2014

SET HEARING FOR VACATION AND CONVEYANCE OF THE REMAINING SEGMENT OF EAST/WEST ALLEY RIGHT-OF-WAY ADJOINING 306 EAST 3RD STREET TO 201 EAST LOCUST, LLC, FOR \$31,000

WHEREAS, on March 9, 2009, by Roll Call No. 09-379, the City Council received a recommendation from the City Plan and Zoning Commission that a segment of the east/west alley right-of-way between East Locust Street and East Walnut Street, running 88 feet west of East 3rd Street ("City Right-of-Way"), be vacated subject to reservation of easement for existing utilities; and

WHEREAS, 201 East Locust, LLC, is the owner of real property abutting the City Right-of-Way and has offered to the City of Des Moines the purchase price of \$31,000 for the vacation and purchase the Right-of-Way for incorporation into the adjoining property, which price reflects the fair market value of the City Right-of-Way as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or anticipated public benefit or need for the City Right-of-Way that is proposed to be vacated, and the City will not be inconvenienced by the proposed vacation and sale of the City Right-of-Way.

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 the east/west alley right-of way between East Locust Street and East Walnut Street, running 88 feet west of East 3rd Street, legally described as follows:

EXCEPT THE WEST 44 FEET - ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 6 IN BLOCK G, SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1408 SQUARE FEET.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such right-of-way, as legally described below, to 201 East Locust, LLC for \$31,000:

EXCEPT THE WEST 44 FEET - ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 6 IN BLOCK G, SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1408 SQUARE FEET.

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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 April 21, 2014, 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 Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

RSW

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

MOION CARRIED
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