



**Roll Call Number**

14-0557

**Agenda Item Number**

37

**Date** April 7, 2014

**HOLD HEARING FOR VACATION AND CONVEYANCE OF A 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; and

**WHEREAS**, on March 24, 2014, by Roll Call No. 14-0478, it was duly resolved by the City Council that the proposed conveyance of the City Right-of-Way be set down for hearing on April 7, 2014, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey the City Right-of-Way 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, that:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the alley right-of-way as described herein are hereby overruled and the hearing is closed.

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2. There is no public need or benefit for the City right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of 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.

3. The proposed sale of such vacated right-of-way, as legally described below, to Freedom Financial Bank for \$2,400.00, subject to the reservation of easements therein, is hereby approved:

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.

4. 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.

5. 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.

6. 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.

7. 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.

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

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(Council Communication No. 14- 141 )

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

*row*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED	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 Fauh City Clerk