



Roll Call Number

14-1289

Agenda Item Number

14

Date August 25, 2014

SET HEARING FOR THE VACATION AND CONVEYANCE OF SEGMENTS OF 24TH STREET, 24TH DRIVE AND WASHINGTON AVENUE IN THE VICINITY OF 1620 24TH STREET, AND THE CONVEYANCE OF A PORTION OF VACATED 24TH PLACE ADJACENT TO 1620 24TH STREET, TO ERICH J. RIESENBERG LIVING TRUST FOR \$1,200

WHEREAS, on March 28, 2005, by Roll Call Nos. 05-770 and 05-772, City Council passed Ordinance No. 14,426 vacating an undeveloped segment of 24th Place between a point 330 feet north of College Avenue and 24th Street, subject to reservation of an easement upon the property for continued use and maintenance of any utilities in place and right-of-entry for servicing same, and further approved the sale of said vacated right-of-way to Edward J. Lint for \$400.00, which sale thereafter was not completed; and

WHEREAS, on July 28, 2014, by Roll Call No. 14-1134, City Council received a recommendation from the City Plan and Zoning Commission that segments of City right-of-way in the vicinity of 1620 24th Street, hereinafter more fully described, be vacated subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated; and

WHEREAS, Erich J. Riesenber, as Trustee of the Erich J. Riesenber Living Trust, owner of the adjoining property located at 1620 24th Street, has offered to the City of Des Moines the purchase price of \$1,200.00 for the vacation of segments of City right-of-way in the vicinity of 1620 24th Street and the purchase of a portion of previously vacated 24th Place right-of-way (collectively "City Right-of-Way"), for incorporation into the Trust's adjoining property, 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 portion of the City Right-of-Way proposed to be vacated, or for the City Right-of-Way proposed to be sold, and the City will not be inconvenienced by the vacation and sale of said property.

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 segments of City right-of-way in the vicinity of 1620 24th Street, locally known and legally described as follows:

Locally known as:

- (A) The west 15 feet of 24th Street east of and adjoining 1620 24th Street.
- (B) The west 15 feet of 24th Drive between vacated 24th Place and Washington Avenue.
- (C) Washington Avenue from 24th Drive to a point approximately 166 feet to the west.



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Legally described as:

THE WEST 15 FEET OF 24TH STREET RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 18, 19 AND 20, SNYDER PLACE, AN OFFICIAL PLAT,

AND;

THE WEST 15 FEET OF 24TH DRIVE RIGHT OF WAY LYING EAST OF AND ADJOINING LOT 1, SNYDER PLACE, AND LYING EAST OF AND ADJOINING VACATED 24TH PLACE RIGHT OF WAY,

AND;

ALL OF WASHINGTON AVENUE RIGHT OF WAY LYING BETWEEN THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 1 AND THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE VACATED WEST 15 FEET OF 24TH DRIVE RIGHT OF WAY (SAID WEST 15 FEET VACATED BY ORDINANCE 15,171),

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 and a portion of previously vacated 24th Place right-of-way, all as legally described below, to Erich J. Riesenberg, as Trustee for the Erich J. Riesenberg Living Trust, for \$1,200.00, subject to the requirements of the Plan and Zoning Commission recommendation:

THE VACATED WEST 15 FEET OF 24TH STREET RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 18, 19 AND 20, SNYDER PLACE, AN OFFICIAL PLAT,

AND;

THE VACATED WEST 15 FEET OF 24TH DRIVE RIGHT OF WAY LYING EAST OF AND ADJOINING LOT 1, SNYDER PLACE, AND LYING EAST OF AND ADJOINING VACATED 24TH PLACE RIGHT OF WAY,

AND;

ALL OF VACATED WASHINGTON AVENUE RIGHT OF WAY LYING BETWEEN THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 1 AND THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE VACATED WEST 15 FEET OF 24TH DRIVE RIGHT OF WAY (SAID WEST 15 FEET VACATED BY ORDINANCE 15,171),

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AND;

THAT PORTION OF VACATED 24TH PLACE RIGHT OF WAY LYING NORTHWESTERLY OF AND ADJOINING SAID LOT 20, EXTENDING NORTHEASTERLY FROM THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 20 (SAID PORTION OF VACATED 24TH PLACE WAS VACATED BY ORDINANCE 14,426),

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. A public hearing shall be held on September 8, 2014, 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 proposal and any other(s) submitted prior to or during the public hearing.
4. 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

rsu

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.

T. M. Franklin Mayor

Diane Rauh City Clerk