

★ Roll Call Number

14-1290

Agenda Item Number

15

Date August 25, 2014

SET HEARING FOR THE VACATION AND CONVEYANCE OF A SEGMENT OF EAST GRANGER AVENUE EXTENDING FROM SE 15TH STREET TO SE 15TH COURT AND FOR THE CONVEYANCE OF A PORTION OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY EXTENDING SOUTH FROM EAST GRANGER AVENUE BETWEEN SE 15TH STREET AND SE 15TH COURT TO RANDY WEIGEL FOR \$3,630

WHEREAS, on April 18, 1983, by Roll Call No. 1719, City Council approved an ordinance vacating all of the north/south alley right-of-way in Block 6, South Riverside Park, an Official Plat, which right-of-way extends south from East Granger Avenue between SE 15th Street and SE 15th Court; and

WHEREAS, on May 5, 2014, by Roll Call No. 14-0686, City Council received a recommendation from the City Plan and Zoning Commission that the segment of East Granger Avenue extending from SE 15th Street to SE 15th Court, hereinafter more fully described, be vacated, subject to reservation of easements for all utilities in place until such time that they are relocated and further subject to approval of a Site Plan by the Permit and Development Center for any reuse of such right-of-way; and

WHEREAS, Randy Weigel, owner of 1700 SE 15th Court, has offered to the City of Des Moines the purchase price of \$3,630.00 for the vacation and purchase of the East Granger Avenue right-of-way extending from SE 15th Street to SE 15th Court, and purchase of a portion of the vacated north/south alley right-of-way extending south from East Granger Avenue between SE 15th Street and SE 15th Court in Block 6, South Riverside Park (herein collectively "City Right-of-Way"), for incorporation into Mr. Weigel'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 a segment of East Granger Avenue extending from SE 15th Street to SE 15th Court, legally described as follows:

ALL THAT PART OF THE EAST GRANGER AVENUE RIGHT-OF-WAY LYING NORTH OF AND ADJOINING BLOCK 6, SOUTH RIVERSIDE PARK, AN OFFICIAL PLAT, 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 the vacated north/south alley right-of-way extending south from East Granger Avenue between SE 15th Street and SE 15th Court in Block 6, South Riverside Park, all as legally described below, to Randy Weigel for \$3,630.00, subject to the requirements of the Plan and Zoning Commission recommendation:



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E Granger Ave. Legal Description:

ALL THAT PART OF THE VACATED EAST GRANGER AVENUE RIGHT-OF-WAY LYING NORTH OF AND ADJOINING BLOCK 6, SOUTH RIVERSIDE PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Vacated Alley Legal Description:

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 7 THROUGH 12, BLOCK 6, SOUTH RIVERSIDE PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. (VACATED BY ORDINANCE NO. 10,294, PASSED APRIL 18, 1983)

- 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

BSW

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 Rauh
City Clerk