

★ **Roll Call Number**

14-1291

Agenda Item Number

16

Date August 25, 2014

**SET HEARING FOR THE VACATION AND CONVEYANCE OF THE WEST SIX (6)
FEET OF SOUTHEAST 15TH STREET EAST OF AND ADJOINING
1440 MAURY STREET TO RAYMOND QUIJANO FOR \$2,330**

WHEREAS, on July 28, 2014, by Roll Call No. 14-1135, City Council received a recommendation from the City Plan and Zoning Commission that the west six (6) feet of Southeast 15th Street east of and adjoining 1440 Maury Street ("City Right-of-Way"), 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 commercial reuse of said right-of-way; and

WHEREAS, Raymond Quijano, owner of the adjoining property at 1440 Maury Street, has offered to the City of Des Moines the purchase price of \$2,330.00 for the vacation and purchase of the City Right-of-Way for incorporation into his 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 City Right-of-Way proposed to be vacated and 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 the west six (6) feet of Southeast 15th Street east of and adjoining 1440 Maury Street, legally described as follows:

THE WEST 6 FEET OF SOUTHEAST 15TH STREET RIGHT-OF-WAY LYING EAST OF AND ADJACENT TO LOTS 61 THROUGH 64, GRAYS SUBDIVISION, BLOCKS 50 AND 62, BROOKS AND COS ADDITION, 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, as legally described below, to Raymond Quijano for \$2,330.00, subject to the requirements of the Plan and Zoning Commission recommendation:

THE VACATED WEST 6 FEET OF SOUTHEAST 15TH STREET RIGHT-OF-WAY LYING EAST OF AND ADJACENT TO LOTS 61 THROUGH 64, GRAYS SUBDIVISION, BLOCKS 50 AND 62, BROOKS AND COS ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.



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- 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 proposals 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

psw

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