



Roll Call Number

14-1393

Agenda Item Number

37

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Date..... September 8, 2014.....

HOLD 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; and

WHEREAS, on August 25, 2014, by Roll Call No. 14-1291, it was duly resolved by the City Council that the proposed vacation and conveyance of the City Right-of-Way be set down for hearing on September 8, 2014, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and 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 vacation and 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the City Right-of-Way, as described herein, are hereby overruled and the hearing is closed.
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 the west six (6) feet of Southeast 15th Street east of and adjoining 1440 Maury Street, as legally described below, and said vacation is hereby approved:

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.

3. The proposed sale of such vacated right-of-way, as legally described below, to Raymond Quijano for \$2,330.00, together with payment by said grantee of the estimated publication and recording costs for this transaction, subject to the requirements of the Plan and Zoning Commission recommendation, is hereby approved:



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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.

- 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.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

(Council Communication No. 14-444)

BN

| 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