



**Roll Call Number**

14-1399

**Agenda Item Number**

39

**Date** September 8, 2014

**HOLD 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 15<sup>th</sup> Street and SE 15<sup>th</sup> 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 15<sup>th</sup> Street to SE 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> Street to SE 15<sup>th</sup> Court, and purchase of a portion of the vacated north/south alley right-of-way extending south from East Granger Avenue between SE 15<sup>th</sup> Street and SE 15<sup>th</sup> 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; and

**WHEREAS**, on August 25, 2014, by Roll Call No. 14-1290, it was duly resolved by the City Council that the proposed vacation of a segment of East Granger Avenue extending from SE 15<sup>th</sup> Street to SE 15<sup>th</sup> Court, and the 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 a segment of East Granger Avenue extending from SE 15<sup>th</sup> Street to SE 15<sup>th</sup> Court 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.



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**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 of a segment of East Granger Avenue extending from SE 15<sup>th</sup> Street to SE 15<sup>th</sup> Court 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 right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of a segment of East Granger Avenue extending from SE 15<sup>th</sup> Street to SE 15<sup>th</sup> Court, as legally described below, and said vacation is hereby approved:

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.

3. The proposed sale of 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 15<sup>th</sup> Street and SE 15<sup>th</sup> Court in Block 6, South Riverside Park, all as legally described below, to Randy Weigel for \$3,630, 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:

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).

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.



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- 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. 14-438)

PSW

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