

★ Roll Call Number

14-1463

Agenda Item Number

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Date September 22, 2014

SET HEARING FOR THE VACATION AND CONVEYANCE OF A SEGMENT OF EAST/WEST ALLEY RIGHT-OF-WAY ADJOINING 1204 HARTFORD AVENUE TO RJS PROPERTIES, LLC FOR \$25, AND THE CONVEYANCE OF A SEGMENT OF EAST/WEST ALLEY RIGHT-OF-WAY ADJOINING 916 AND 920 HARTFORD AVENUE TO EASTER LAKE ESTATES, INC. FOR \$75

WHEREAS, on March 3, 1975, by Roll Call No. 1018, City Council adopted a recommendation from the City Plan and Zoning Commission approving a request for the vacation and conveyance of various street and alley rights-of-way in the vicinity of SE 10th Street and Hillside Avenue, including the portions thereof adjoining 920 Hartford Avenue and 1204 Hartford Avenue, subject to the reservation of easements for any existing utilities and reservation of right of entry for servicing same; and

WHEREAS, on November 17, 1975, by Roll Call No. 5167, City Council approved and adopted Ordinance No. 9002 vacating the street and alley rights-of-way in the vicinity of SE 10th Street and Hillside Avenue, including the portions thereof adjoining 920 Hartford Avenue and 1204 Hartford Avenue, (except the south 8 feet of alley right-of-way lying north of and adjoining Lot 12, Valentine, an Official Plat) subject to the reservation of easements for any existing utilities and reservation of right of entry for servicing same; and

WHEREAS, on June 20, 1983, by Roll Call No. 2831, City Council adopted a recommendation from the City Plan and Zoning Commission approving a request for the vacation and conveyance of the east/west alley right-of-way in the vicinity of SE 9th Street and Hillside Avenue, including portions thereof adjoining 916 Hartford Avenue, subject to the reservation of easements for any existing utilities and reservation of right of entry for servicing same; and

WHEREAS, on October 17, 1983, by Roll Call No. 4972, City Council approved and adopted Ordinance No. 10,375 vacating the east/west alley right-of-way in the vicinity of SE 9th Street and Hillside Avenue, including the portions thereof adjoining 916 Hartford Avenue, subject to the reservation of easements for any existing utilities and reservation of right of entry for servicing same; and

WHEREAS, RJS Properties, LLC, owner of 1204 Hartford Avenue, has offered to the City of Des Moines the purchase price of \$25 for the vacation and conveyance of the alley right-of-way adjoining 1204 Hartford Avenue; and Easter Lake Estate, Inc., owner of 916 and 920 Hartford Avenue has offered to the City of Des Moines the purchase price of \$75 for the conveyance of the alley right-of-way adjoining 916 and 920 Hartford Avenue, (collectively "City Right-of-Way"), for incorporation into their respective adjoining property, which prices reflect 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



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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 the east/west alley right-of-way adjoining 1204 Hartford Avenue, legally described as follows:

THE SOUTH 8 FEET OF EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 12, VALENTINE, 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 alley right-of-way, the City of Des Moines further proposes to sell such vacated right-of-way and a portion of previously vacated east/west alley right-of-way adjoining 916 and 920 Hartford Avenue, as described below, to the grantees and for the consideration identified below:

To: RJS Properties, LLC For: \$25

THE SOUTH HALF (1/2) OF THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING THE EAST HALF (1/2) OF LOT 12, IN VALENTINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 240 SQUARE FEET.

To: Easter Lake Estates, Inc. For: \$75

THE SOUTH HALF (1/2) OF THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING THE EAST HALF (1/2) OF LOT 10, AND LYING NORTH OF AND ADJOINING ALL OF LOT 11, AND LYING NORTH OF AND ADJOINING THE WEST HALF (1/2) OF LOT 12, ALL IN VALENTINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 960 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on October 6, 2014, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.



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5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Coleman to adopt.

APPROVED AS TO FORM:

Cori Kuhn Coleman
Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, TOTAL. Includes signature of Mayor and 'MOTION CARRIED' / 'APPROVED' text.

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