



Roll Call Number

14-1583

Agenda Item Number

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Date October 6, 2014

HOLD HEARING FOR THE VACATION AND CONVEYANCE OF A DEAD-END SEGMENT OF EAST/WEST ALLEY RIGHT-OF-WAY EAST OF EAST 28TH STREET, BETWEEN INDIANAPOLIS AVENUE AND KINSEY AVENUE, TO RANDALL VAN GUNDY FOR \$50, TO ESTHER HALTERMAN FOR \$50, TO FAITH TABERNACLE, INC. FOR \$75, AND TO ROBERT AND BARBARA HENDERSON FOR \$100

WHEREAS, on July 28, 2014, by Roll Call No. 14-1135, City Council adopted a recommendation from the City Plan and Zoning Commission approving a request for the vacation of a dead-end segment of east/west alley between Kinsey Avenue and Indianapolis Avenue from East 28th Street to a point approximately 190 to the east, ("City Right-of-Way"), hereinafter more fully described, subject to the reservation of easements for all existing utilities in place until such time as they are relocated, and reservation of right of entry for servicing same; and

WHEREAS, Randall Van Gundy, owner of 2812 Indianapolis Avenue, Esther Halterman, owner of 2806 Indianapolis Avenue, Faith Tabernacle, Inc., owner of 2811 Kinsey Avenue, and Robert and Barbara Henderson, owners of 2800 Kinsey Avenue, have offered to the City of Des Moines the total purchase price of \$275 for the purchase of their respective portions of the vacated alley right-of-way adjoining their properties for incorporation into their 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 September 22, 2014, by Roll Call No. 14-1464, 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 October 6, 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 right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of a dead-end segment of east/west alley between



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Kinsey Avenue and Indianapolis Avenue from East 28th Street to a point approximately 190 to the east, legally described as follows, and said vacation is hereby approved:

ALL OF THE EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 201, 200, 199, 198, AND 197; AND THE WEST 1/2 OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING SAID EAST-WEST ALLEY RIGHT-OF-WAY, ALL IN BOULEVARD 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 and to the grantees and for the consideration identified below, subject to reservation of easements therein, and said conveyance is hereby approved:

To: Randall Van Gundy
For: \$50.00

THE SOUTH HALF OF THE VACATED EAST-WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING ALL OF LOT 197 AND LYING NORTH OF AND ADJOINING THE EAST 19 FEET OF LOT 198; AND THE SOUTH HALF OF THE WEST HALF OF THE VACATED NORTH-SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING SAID EAST-WEST VACATED ALLEY RIGHT-OF-WAY, ALL IN BOULEVARD ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APROXIMATELY 488 SQUARE FEET.

To: Esther Halterman
For: \$50

THE SOUTH HALF OF THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING THE WEST 18 FEET OF LOT 198 AND LYING NORTH OF AND ADJOINING ALL OF LOT 199, ALL IN BOULEVARD ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APROXIMATELY 440 SQUARE FEET.

To: Faith Tabernacle, Inc.
For: \$75

THE NORTH HALF OF THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOTS 187, 188 AND 189; AND THE NORTH HALF OF THE WEST HALF OF THE VACATED NORTH-SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING SAID EAST-WEST VACATED ALLEY RIGHT-OF-WAY, ALL IN BOULEVARD ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED



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IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 928 SQUARE FEET.

To: Robert and Barbara Henderson
For: \$100

ALL OF THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOT 185 AND LOT 186, ALL IN BOULEVARD ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APROXIMATELY 1184 SQUARE FEET.

4. The Mayor is authorized and directed to sign the Offers to Purchase and Quit Claim Deeds for the conveyances 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 Deeds, 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 Deeds, 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 Deeds 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.

(Council Communication No. 14-484)


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Moved by Mahaffey to adopt.

APPROVED AS TO FORM:



 Cori Kuhn Coleman
 Assistant City Attorney

RSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

T.M. Franklin

 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

 Diane Rauh
 City Clerk