

★ Roll Call Number

14-1628

Agenda Item Number

18 B

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Date October 20, 2014

**SET HEARING FOR VACATION AND CONVEYANCE OF A SEGMENT OF THE  
NORTH/SOUTH ALLEY ADJOINING 120 2<sup>ND</sup> AVENUE, TO POLK COUNTY, IOWA,  
FOR \$1**

**WHEREAS**, on September 22, 2014, by Roll Call No. 14-1510, City Council received, filed and referred to the City Plan and Zoning Commission a request from Polk County, Iowa for the vacation and conveyance of the north/south alley right-of-way lying west of and adjoining 120 2<sup>nd</sup> Avenue; and

**WHEREAS**, on October 16, 2014, the City Plan and Zoning Commission recommended approval of the request for the vacation and conveyance of the north/south alley right-of-way lying west of and adjoining 120 2<sup>nd</sup> Avenue, 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**, there is no known current or future public need or benefit for the City right-of-way proposed to be vacated and conveyed and the City will not be inconvenienced by the vacation and conveyance 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 north/south alley right-of-way lying west of and adjoining 120 2<sup>nd</sup> Avenue, legally described as follows:

ALL THAT PART OF THE NORTH/SOUTH ALLEY LYING WEST OF AND ADJOINING LOT 10, BLOCK 30, TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1099 SQUARE FEET

2. That if the City Council decides to vacate the above described alley right-of-way, the City of Des Moines further proposes to convey such vacated right-of-way, as described below, to the grantees and for the consideration identified below:

To: Polk County, Iowa For: \$1

ALL OF THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 10, BLOCK 30, TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA., CONTAINING APROXIMATELY 1099 SQUARE FEET.



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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 November 3, 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.

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:

Cori Kuhn Coleman
Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL. Includes handwritten initials 'PKW' and a checkmark in the TOTAL row.

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.

Mayor signature: T. M. Franklin

City Clerk signature: Diane Rauh