



Roll Call Number

14-1735

Agenda Item Number

42B

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Date November 3, 2014

HOLD HEARING FOR VACATION AND CONVEYANCE OF A SEGMENT OF THE NORTH/SOUTH ALLEY ADJOINING 120 2ND 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 2nd Avenue; and

WHEREAS, on October 20, 2014, by Roll Call No. 14-1627, City Council received a recommendation from the City Plan and Zoning Commission for denial of a request to vacate a segment of the north/south alley right-of-way lying between 2nd Avenue and 3rd Street adjoining the west of the property at 120 2nd Avenue, (“City Right-of-Way”), hereinafter more fully described; 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 to Polk County, Iowa, and the City will not be inconvenienced by the vacation and sale of said property; and

WHEREAS, on October 20, 2014, by Roll Call No. 14-1628, 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 November 3, 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 segment of the north/south alley right-of-way lying between 2nd Avenue and 3rd Street adjoining the west of the property at 120 2nd Avenue, legally described as follows, and said vacation is hereby approved:

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

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MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1099 SQUARE FEET.

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: Polk County, Iowa
For: \$1.00

ALL THAT PART OF THE VACATED 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.

4. The Mayor is authorized and directed to sign the 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. 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 a copy of the other documents to the grantees.

8. There will be no proceeds associated with the conveyance of this property.


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Moved by Hensley to adopt. Polk County will work with the City on the dumpster enclosure and will work with the Legal Department and the adjoining property owner to confirm the legal description of the permanent easement prior to the second reading of the ordinance on November 17th.

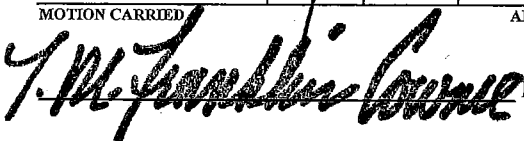
APPROVED AS TO FORM:



 Cori Kuhn Coleman
 Assistant City Attorney

psw

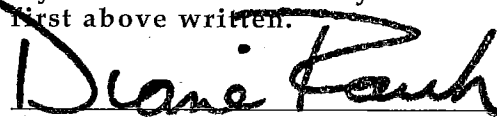
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED 7 APPROVED

 Y. 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