



Roll Call Number

15-1064

Agenda Item Number

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Date June 22, 2015

HOLD HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF THE NORTH/SOUTH ALLEY BETWEEN 15TH STREET AND 16TH STREET, SOUTH OF CROCKER STREET, TO EDWARD B. BRAFFORD AND KRISTIN BRAFFORD FOR \$50.00 AND TO RYAN P. HOWELL AND KELLEY B. HOWELL FOR \$150.00

WHEREAS, on May 18, 2015, by Roll Call No. 15-0804, City Council adopted a recommendation from the City Plan and Zoning Commission approving a request from Edward Brafford and Kristin Brafford f/k/a Kristin Thede and Ryan P. Howell for the vacation of the north/south alley right-of-way adjoining 831 16th Street and 849 16th Street, 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, Edward B. and Kristin Brafford, owners of 849 16th Street, have offered to the City of Des Moines the purchase price of \$50.00 for the purchase of the portion of the vacated alley right-of-way adjoining 849 16th Street for incorporation into their residential property, which price reflects the fair market value of said portion of vacated alley right-of-way as currently estimated by the City's Real Estate Division; and

WHEREAS, Ryan P. Howell and Kelley B. Howell, owners of 831 16th Street, have offered to the City of Des Moines the purchase price of \$150.00 for the purchase of the portion of the vacated alley-right-of-way adjoining 831 16th Street for incorporation into their residential property, which price reflects the fair market value of said portion of vacated alley right-of-way as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the vacated alley right-of-way proposed to be sold and the City will not be inconvenienced by the sale of said property.

WHEREAS, on June 8, 2015, by Roll Call No. 15-0911, it was duly resolved by the City Council that the proposed vacation and conveyance of the City alley right-of-way be set down for hearing on June 22, 2015, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey the City alley 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 north/south alley right-of-way adjoining 831 16th Street and 849 16th Street, as described herein, are hereby overruled and the hearing is closed.



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2. There is no public need or benefit for the alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the north/south alley right-of-way adjoining 831 16th Street and 849 16th Street, legally described as follows, and said vacation is hereby approved:

ALL THAT PART THE ALLEY RIGHT OF WAY LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 13, BLOCK 2, AND LYING SOUTH OF THE SOUTHWESTERLY LINE OF THE CROCKER STREET RIGHT OF WAY LINE, AS PRESENTLY ESTABLISHED, ALL IN DAVIES' 2ND ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 472 SQUARE FEET.

AND

ALL THAT PART THE ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 19, 20 AND 21, AND LYING WEST OF AND ADJOINING THE NORTH HALF (1/2) OF LOT 22, ALL IN BLOCK 2, DAVIES' 2ND ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1958 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: Edward Brafford and Kristin Brafford
For: \$50.00

ALL THAT PART THE VACATED ALLEY RIGHT OF WAY LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 13, BLOCK 2, AND LYING SOUTH OF THE SOUTHWESTERLY LINE OF THE CROCKER STREET RIGHT OF WAY LINE, AS PRESENTLY ESTABLISHED, ALL IN DAVIES' 2ND ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 472 SQUARE FEET.

And,

To: Ryan P. Howell and Kelley B. Howell
For: \$150.00

ALL THAT PART THE VACATED ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 19, 20 AND 21, AND LYING WEST OF AND ADJOINING THE NORTH HALF (1/2) OF LOT 22, ALL IN BLOCK 2, DAVIES' 2ND ADDITION, AN



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OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1958 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, 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 a copy of the other documents to the grantee.
- 8. Non-project related land sale proceeds are used to support general operating budget expenses: Org - EG064090.

(Council Communication No. 15-331)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

PSW

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

MOTION CARRIED APPROVED

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 City Clerk