



Roll Call Number

15-1135

Agenda Item Number

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Date July 13, 2015

**SET HEARING TO CORRECT VACATION AND TO VACATE AND CONVEY THE
EAST/WEST ALLEY ADJOINING 1500 WOODLAND AVENUE, 615 16TH STREET AND
1530 WOODLAND AVENUE**

WHEREAS, on November 19, 2001, by Roll Call No. 01-3474, the City Council passed Ordinance No. 14,022, vacating a portion of the alley between 15th and 16th Streets and Woodland Avenue and High Street adjoining 1500 Woodland Avenue; and

WHEREAS, on November 19, 2001, by Roll Call No. 01-3472, the City Council further approved the sale and conveyance of such vacated alley right-of-way to adjoining owner Woodland Avenue Partners L.C. for \$35,000, subject to conditions including provision of a new public through access easement within the proposed parking lot to ensure proper traffic circulation and fire protection access for the subject property and surrounding property and limiting the access onto 15th Street to one driveway for the site with a private access easement for the property adjoining to the south; and

WHEREAS, on June 22, 2015, by Roll Call No. 15-1013, City Council received a recommendation from the City Plan and Zoning Commission approving a request from Traci Giles for the vacation of the remaining segment of east/west alley right-of-way between Woodland Avenue and High Street from 16th Street to a point approximately 99 feet to the east, adjoining Ms. Giles property at 615 16th Street and immediately west of the property vacated and conveyed by Roll Call Nos. 01-3474

01-3472, subject to the following conditions:

1. Provision of any necessary easements for all existing utilities until such time as they are abandoned or relocated; and
2. Amendment of the Woodland Brickstone Site Plan (1500 Woodland Avenue) removing the requirement of alley access and identifying any site modifications such as the creation of additional parking spaces or other site changes; and

WHEREAS, Traci Giles, owner of 615 16th Street, has offered to the City of Des Moines the purchase price of \$100.00 for the purchase of the portion of the vacated alley right-of-way adjoining 615 16th Street for incorporation into her 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, Johnny Brafford and Jennifer Katz Brafford, owners of 1530 Woodland Avenue, 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 1530 Woodland Avenue 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; and

WHEREAS, the vacation and conveyance of the remaining alley right-of-way adjoining 615 16th Street and 1530 Woodland Avenue, and the Plan and Zoning Commission condition requiring removal of the requirement of alley access, necessitate correction of Ordinance No. 14,022 to remove said conditions from the ordinance and from the deed conveying the property to Woodland Avenue Partners, L.P.



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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating the east/west alley right-of-way adjoining 1500 Woodland Avenue, 615 16th Street, and 1530 Woodland Avenue, legally described as follows, for the purpose of correcting and releasing the above-listed conditions included in Ordinance No. 14,022 and conveying the adjoining alley right-of-way as set forth herein:

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY IN BLOCK E OF THE SUBDIVISION OF LOT 6 OF THE PURSLEY ESTATE, AN OFFICIAL PLAT, AND ALL OF THE EAST/WEST ALLEY RIGHT OF WAY IN BLOCK 2 OF J.M. GRIFFITH'S SUBDIVISION OF LOT 5 OF PURSLEY'S ADDITION TO FORT DES MOINES, 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 right-of-way, the City of Des Moines further proposes to issue a corrective Quit Claim Deed for the property specifically described as follows to Woodland Avenue Partners L.P., for the purpose of correcting and releasing the above-listed conditions included in the Quit Claim Deed recorded at Book 9066, Page 581 in the office of the Polk County Recorder:

THE SIXTEEN FOOT (16') EAST/WEST ALLEY RIGHT-OF-WAY BETWEEN WOODLAND AVENUE AND HIGH STREET, WEST OF 15TH STREET, ADJOINING LOT 2, IN BLOCK 2, J.M. GRIFFITH'S SUBDIVISION OF LOT 5 PURSLEY ADDITION, AND ADJOINING THE EAST 1/2 OF LOT 2 AND LOTS 3, 4 AND 5 IN BLOCK E, SUBDIVISION OF LOT 6 OF 13.06 ACRES PURSLEY ESTATES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines further proposes to sell the portion of the east/west alley right-of-way adjoining 615 16th Street and 1530 Woodland Avenue, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

To: Johnny Brafford and Jennifer Katz Brafford (1530 Woodland Avenue)
For: \$50.00

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING PARCEL "B" OF THE PLAT OF SURVEY RECORDED IN BOOK 13703 PAGE 869 IN THE POLK COUNTY RECORDER'S OFFICE, ALL IN BLOCK E OF THE SUBDIVISION OF LOT 6 OF THE PURSLEY ESTATE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 671 SQUARE FEET.

To: Traci A. Giles (615 16th Street)
For: \$100.00

-EXCEPT THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING PARCEL "B" OF THE PLAT OF SURVEY RECORDED IN BOOK 13703



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PAGE 869 IN THE POLK COUNTY RECORDER'S OFFICE-, ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 1 OF BLOCK E OF THE SUBDIVISION OF LOT 6 OF THE PURSLEY ESTATE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 913 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 July 27, 2015, 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 Section 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:

Glenna K. Frank
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL (YEAS: 7).

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.

T.M. Franklin Council Mayor

Diane Rauh City Clerk