



Roll Call Number

15-1374

Agenda Item Number

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Date August 10, 2015

HOLD HEARING FOR CONVEYANCE OF A PORTION OF THE EAST/WEST ALLEY BETWEEN OLINDA AVENUE AND FULTON DRIVE, EAST OF HIGHLAND STREET, TO DANIEL LEAMING AND ANDREA LEAMING FOR \$50.00 AND TO DOUGLAS MCGILLIVRAY FOR \$100.00

WHEREAS, on January 23, 1989, by Roll Call No. 89-242, City Council passed Ordinance Number 11,252 vacating the east/west alley right-of-way between Highland Street and South Union Street, north of Olinda 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, Daniel and Andrea Leaming, owners of 114 Fulton Drive, 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 114 Fulton Drive 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, Douglas W. McGillivray, owner of 111 Olinda Avenue, 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 111 Olinda Avenue for incorporation into his 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, on July 27, 2015, by Roll Call No. 15-1241, it was duly resolved by the City Council that the proposed conveyance of the City alley right-of-way be set for hearing on August 10, 2015, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to 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 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 conveyance of a portion of the east/west alley right-of-way between Olinda Avenue and Fulton Drive, east of Highland Street, as described herein, are hereby overruled and the hearing is closed.



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2. 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: Daniel Leaming and Andrea Leaming
For: \$50.00

THE NORTH HALF OF THE VACATED EAST-WEST ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOTS 333 AND 334, FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 640 SQUARE FEET.

And,

To: Douglas W. McGillivray
For: \$100.00

ALL OF THE VACATED EAST-WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 353 AND 354 IN THE FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,280 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 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.



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(Council Communication No. 15-443)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

PSW

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

T. M. Franklin Council 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