



Roll Call Number

15-1606

Agenda Item Number

21

Date September 28, 2015

SET HEARING FOR THE VACATION AND CONVEYANCE OF A PORTION OF THE NORTH/SOUTH ALLEY BETWEEN SOUTHEAST 5TH STREET AND SOUTHEAST 6TH STREET FROM SCOTT AVENUE TO A POINT 112 FEET TO THE SOUTH, TO SE BOTTOMS, L.L.C. FOR \$2,900.00

WHEREAS, on September 14, 2015, by Roll Call No. 15-1505, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission that the north/south alley between SE 5th Street and SE 6th Street from Scott Avenue to a point 112 feet south, hereinafter more fully described, be vacated, subject to a reservation of easements for all existing utilities in place until such time that they are abandoned or relocated; subject to a reservation of an easement for a no build restriction; and further subject to SE Bottoms, L.L.C. conveying a Permanent Easement for Public Ingress and Egress unto the City of Des Moines, Iowa, over an adjoining property (501 Scott Avenue) to connect a portion of the alley with Southeast 5th Street; and

WHEREAS, SE Bottoms, L.L.C., owner of all properties adjoining the subject property, has offered to the City of Des Moines, Iowa, the purchase price of \$2,900.00 for the vacation and purchase of the north/south alley between SE 5th Street and SE 6th Street from Scott Avenue to a point 112 feet south (herein "City Right-of-Way"), for incorporation into their adjoining property, which price reflects the fair market value of the City Right-of-Way as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the portion of the City Right-of-Way proposed to be vacated, or for the City Right-of-Way proposed to be sold, and the City will not be inconvenienced by the vacation and sale 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, Iowa, shall consider adoption of an ordinance permanently vacating the north/south alley between SE 5th Street and SE 6th Street from Scott Avenue to a point 112 feet south, legally described as follows:

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 9 AND 10, BLOCK 55, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1,760 SQUARE FEET.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines, Iowa, further proposes to sell such vacated right-of-way, as legally described below, to SE Bottoms, L.L.C. for \$2,900.00, subject to the requirements of the Plan and Zoning Commission recommendation and the Offer to Purchase:



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ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 9 AND 10, BLOCK 55, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1,760 SQUARE FEET.

- 3. A public hearing shall be held on October 12, 2015, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
- 4. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing 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:

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

RSW

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