

★ Roll Call Number

15-1635

Agenda Item Number

49

Page 1

Date September 28, 2015

HOLD HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF THE EAST/WEST ALLEY BETWEEN FRANKLIN AVENUE AND ALLISON AVENUE, EAST OF 18TH STREET TO SIMON ROJAS FOR \$50.00

WHEREAS, on August 24, 2015, by Roll Call No. 15-1425, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission approving a request from Simon Rojas for the vacation of the east/west alley right-of-way adjoining 1619 Franklin Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated, and reservation of right of entry for servicing same; and

WHEREAS, Simon Rojas, owner of 1619 Franklin Avenue, has 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 1619 Franklin 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.

WHEREAS, on September 14, 2015, by Roll Call No. 15-1508, it was duly resolved by the City Council that the proposed vacation and conveyance of the City alley right-of-way be set for hearing on September 28, 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 east/west alley right-of-way adjoining 1619 Franklin Avenue, as described herein, are hereby overruled and the hearing is closed.
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 east/west alley right-of-way adjoining 1619 Franklin Avenue, legally described as follows, and said vacation is hereby approved:

ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 13, BLOCK 8, NORWOOD PARK ADDITION TO NORTH 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 795 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: Simon Rojas
For: \$50.00

ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 13, BLOCK 8, NORWOOD PARK ADDITION TO NORTH 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 795 SQUARE FEET.

4. The Mayor is authorized and directed to sign the Offer to Purchase and 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. 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 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 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. 15-1507)

Page 3

Moved by Gray 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