



Roll Call Number

15-1729

Agenda Item Number

51

Page 1

Date October 12, 2015

HOLD 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 reservation of easements for all existing utilities in place until such time that they are abandoned or relocated; and 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 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.

WHEREAS, on September 28, 2015, by Roll Call No. 15-1606, it was duly resolved by the City Council that the proposed vacation and conveyance of the City Right-of-Way be set down for hearing on October 12, 2015, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey the City 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 City Right-of-Way, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the City Right-of-Way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the north/south alley between SE 5th Street and



Roll Call Number

15-1729

Agenda Item Number

51

Page 2

Date October 12, 2015

SE 6th Street from Scott Avenue to a point 112 feet south, as legally described below, and said vacation is hereby approved:

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.

3. The proposed sale of such vacated right-of-way, as legally described below, to SE Bottoms, L.L.C. for \$2,900.00, together with payment by said grantee of the estimated publication and recording costs for this transaction, subject to the requirements of the Plan and Zoning Commission recommendation and the Offer to Purchase, is hereby approved:

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.

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 Quit Claim 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 Quit Claim 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 Quit Claim Deed and copies of the other documents to the grantees.

8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 15-544)



Roll Call Number

15-1729

Agenda Item Number

51

Page 3

Date October 12, 2015

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

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

MOTION CARRIED APPROVED

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