



Roll Call Number

15-1861

Agenda Item Number

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Date November 9, 2015

SET HEARING FOR VACATION OF A PORTION OF THE EAST-WEST ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 1200 THROUGH 1214 OAK PARK AVENUE AND CONVEYANCE TO DONNA J. PETERSON AND PAMELA A. HAYES FOR \$50.00, TO KENT AND CHRISTINE SCHNELL (CONTRACT SELLERS) AND BRYAN K. SCHNELL (CONTRACT BUYER) FOR \$50.00, AND TO JARED M. JOHNSON FOR \$50.00

WHEREAS, on November 5, 2015, the City Plan and Zoning Commission approved a request from Bryan K. Schnell for the vacation of the east-west alley right-of-way adjoining 1200, 1206, 1210 and 1214 Oak Park Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are relocated, and the reservation of the right of entry for servicing the same; and

WHEREAS, Donna J. Peterson and Pamela A. Hayes, owners of 1206 Oak Park Avenue, have offered to the City of Des Moines, Iowa, ("City") the purchase price of \$50.00 for the purchase of the portion of the vacated alley right-of-way adjoining 1206 Oak Park 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, Kent Schnell and Christine Schnell (contract sellers) and Bryan K. Schnell (contract buyer), owners of 1210 Oak Park Avenue, have offered to the City the purchase price of \$50.00 for the purchase of the portion of the vacated alley right-of-way adjoining 1210 Oak Park 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, Jared M. Johnson, owner of 1214 Oak Park Avenue, has offered to the City the purchase price of \$50.00 for the purchase of the portion of the vacated alley right-of-way adjoining 1214 Oak Park 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.

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 portion of the east/west alley right-of-way adjoining 1200, 1206, 1210, and 1214 Oak Park Avenue, as legally described below, for the purpose of conveying the adjoining alley right-of-way as set forth herein:



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ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 73 THROUGH 76, SOUTH OAK PARK, 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 first 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 1206, 1210, and 1214 Oak Park Avenue, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

To: Donna J. Peterson and Pamela A. Hayes
For: \$50.00

ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 74, SOUTH OAK PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 700 SQUARE FEET.

And,

To: Kent Schnell and Christine Schnell (contract sellers) and Bryan K. Schnell (contract buyer)
For: \$50.00

ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 75, SOUTH OAK PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 700 SQUARE FEET.

And,

To: Jared M. Johnson
For: \$50.00

ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 76, SOUTH OAK PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 700 SQUARE FEET.

2. That the meeting of the City Council at which the sale and conveyance of such right-of-way is to be considered shall be on November 23, 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.



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3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

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

Moved by Gatto to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland
Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL. Includes Mayor signature and MOTION CARRIED/ APPROVED indicators.

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.

[Signature]

City Clerk