



Roll Call Number

15-2051

Agenda Item Number

116

Page 1

Date December 7, 2015

SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF SOUTHWEST 31<sup>ST</sup> STREET RIGHT-OF-WAY AND A PORTION OF WOLCOTT AVENUE RIGHT-OF-WAY ADJOINING 3029 WOLCOTT AVENUE TO GARY L. RANDA FOR \$150.00

WHEREAS, on November 5, 2015, the City Plan and Zoning Commission approved a request from Gary L. Randa for the vacation of a segment of the eastern portion of Southwest 31<sup>st</sup> Street right-of-way adjoining 3029 Wolcott Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated, and the reservation of the right of entry for servicing the same; and

WHEREAS, on November 23, 2015, by Roll Call No. 15-1957, the City Council of the City of Des Moines, Iowa, received and filed said recommendation from the City Plan and Zoning Commission; and

WHEREAS, Gary L. Randa, owner of 3029 Wolcott Avenue, has offered to the City of Des Moines, Iowa, ("City") the purchase price of \$150.00 for the purchase of a portion of Southwest 31<sup>st</sup> Street right-of-way and a portion of Wolcott Avenue right-of-way for incorporation in to his adjoining residential property and in order to mitigate an existing fence encroachment, which price reflects the fair market value of said portion of vacated street 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 street right-of-way proposed to be vacated and 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 a portion of Southwest 31<sup>st</sup> Street right-of-way and a portion of Wolcott Avenue right-of-way adjoining 3029 Wolcott Avenue, as legally described below, for the purpose of conveying the adjoining street right-of-way as set forth herein:

THE EAST 7 FEET OF THE SOUTHWEST 31ST STREET RIGHT OF WAY LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 40, CAMELOT SOUTH, AN OFFICIAL PLAT, AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 40, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND,



Roll Call Number

15-2051

Agenda Item Number

16

Page 2

Date December 7, 2015

ALL THAT PART OF LOT J (WOLCOTT AVENUE RIGHT OF WAY) IN SAID CAMELOT SOUTH, LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 40 AND LYING EAST OF THE WEST LINE OF SAID LOT J, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. That if the City Council of the City of Des Moines, Iowa, first decides to vacate the above described right-of-way, the City of Des Moines further proposes to sell a portion of Southwest 31<sup>st</sup> Street right-of-way and a portion of Wolcott Avenue right-of-way adjoining 3029 Wolcott Avenue, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein:

To: Gary L. Randa

For: \$150.00

Legal Description: THE EAST 7 FEET OF THE VACATED SOUTHWEST 31ST STREET RIGHT OF WAY LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 40, CAMELOT SOUTH, AN OFFICIAL PLAT, AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 40, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND,

ALL THAT PART OF VACATED LOT J (WOLCOTT AVENUE RIGHT OF WAY) IN SAID CAMELOT SOUTH, LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 40 AND LYING EAST OF THE WEST LINE OF SAID LOT J, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That the meeting of the City Council of the City of Des Moines, Iowa, at which the sale and conveyance of such right-of-way is to be considered, shall be on December 21, 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.

4. 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.

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

★ Roll Call Number  
15-2051

Agenda Item Number  
16

Date December 7, 2015

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland  
 Lisa A. Wieland  
 Assistant City Attorney

*an*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	6			1
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