



Roll Call Number

15-2052

Agenda Item Number

17

Date December 7, 2015

SET HEARING FOR VACATION AND CONVEYANCE OF A SEGMENT OF THE NORTH/SOUTH ALLEY WEST OF 6TH AVENUE FROM CORNING AVENUE TO A POINT 50 FEET NORTH, ALONG WITH CONVEYANCE OF ADDITIONAL CITY-OWNED PROPERTY AT 3010 6TH AVENUE TO POLK COUNTY, IOWA, FOR \$1.00

WHEREAS, Polk County, Iowa (“Polk County”) has requested the vacation of the north/south alley west of 6th Avenue from Corning Avenue to a point 50 feet north, and requested that the City of Des Moines, Iowa (“City”) convey said right-of-way along with additional City-owned property at 3010 6th Avenue to Polk County, Iowa, in consideration of \$1.00 and public use of the property as a community center in accordance with Iowa Code Section 364.7(3); and

WHEREAS, on September 28, 2015, by Roll Call No. 15-1603, the City Council of the City of Des Moines, Iowa, received and filed a recommendation from the City Plan and Zoning Commission that a 14-foot wide segment of north/south alleyway west of 6th Avenue from Corning Avenue to a point 50 feet north, hereinafter more fully described, be vacated, subject to the reservation of any necessary easements for all existing utilities in place, including known water and sanitary sewer mains, until such time that they are abandoned or relocated; and

WHEREAS, there is no known current or future public need or benefit for the segment of alleyway proposed to be vacated, or for the additional City-owned property proposed to be conveyed, and the City will not be inconvenienced by the vacation and/or conveyance of said properties.

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 a segment of north/south alleyway west of 6th Avenue from Corning Avenue to a point 50 feet north, legally described as follows:

ALL THAT PART OF THE NORTH/SOUTH ALLEY LYING WEST OF AND ADJOINING LOT 217, MANN’S 2ND ADDITION TO LAKE PARK, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 702 SQUARE FEET.

2. That if the City Council of the City of Des Moines, Iowa, decides to vacate the above described right-of-way, the City of Des Moines, Iowa, further proposes to convey the vacated right-of-way along with additional City-owned property at 3010 6th Avenue, as legally described below, to Polk County, Iowa, in consideration of \$1.00 and public use of the property as a community center in accordance with Iowa Code Section 364.7(3):

THAT PART OF LOTS 221 - 225 (EXCEPT THE EAST 7.0 FEET), AND VACATED NORTH-SOUTH ALLEY WEST OF AND ADJACENT TO LOTS 217 - 225, AND THE ABANDONED



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RAILROAD WITHIN LOTS 217 AND 218 (PARCEL 792427401010), AND PART OF LOTS 226- 229 (PARCEL 792427401002), AND THE ABANDONED RAILROAD WITHIN LOTS 226 - 231 (PARCEL 792427401003), AND THE ABANDONED RAILROAD WITHIN LOT 232 (PARCEL 792427256009), AND LOTS 230 - 233 ALL IN MANN'S 2ND ADDITION TO LAKE PARK, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND VACATED EAST-WEST ALLEY SOUTH OF AND ADJACENT TO LOTS 360-363, AND LOTS 364 - 369, AND THE ABANDONED RAILROAD WITHIN LOT 366 (PARCEL 792427401006), ALL IN MANN'S REPLAT OF A PART OF MANN'S 2ND ADDITION TO LAKE PARK, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND PART OF LOT 1 AND LOT 2 OF LAGOON PARK, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND PART OF LOTS 4 AND 5 BLK 15, AND PART OF LOT A, AND BLOCK 24, ALL IN WHITES RIVERVIEW ADDITION, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND THE ABANDONED RAILROAD RIGHT-OF-WAY LYING NORTHEAST OF SAID BLOCK 24, WHITES RIVERVIEW ADDITON, AND SOUTH OF BOSTON AVENUE AND THE WESTERLY EXTENSION OF, AND SOUTH AND WEST OF LOT 360 OF MANN'S REPLAT OF MANN'S 2ND ADDITION TO LAKE PARK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 363 OF MANN'S REPLAT OF MANN'S 2ND ADDITION TO LAKE PARK; THENCE S.89°32'24"E., A DISTANCE OF 193.21 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF BOSTON AVENUE AS PRESENTLY ESTABLISHED AND THE NORTH LINE OF LOT 225, AND THE NORTH-SOUTH ALLEY WEST AND ADJACENT TO SAID LOT 225, OF MANN'S 2ND ADDITION TO LAKE PARK; THENCE S.00°11'45"W., A DISTANCE OF 254.00 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF 6TH AVENUE AS PRESENTLY ESTABLISHED, TO THE SOUTH LINE OF LOT 221 OF MANN'S 2ND ADDITION TO LAKE PARK; THENCE N.89°32'24"W., A DISTANCE OF 173.04 FEET TO THE SOUTHWEST CORNER OF SAID LOT 221; THENCE S.00°09'24"W., A DISTANCE OF 107.50 FEET ALONG THE WEST LINE OF LOTS 218, 219, AND 220 OF MANN'S 2ND ADDITION TO LAKE PARK TO THE NORTH LINE OF THE ABANDONED RAILROAD RIGHT-OF-WAY WITHIN LOTS 217 AND 218 OF SAID MANN'S 2ND ADDITION; THENCE S.40°42'51"E., A DISTANCE OF 123.18 FEET TO THE SOUTH LINE OF SAID LOT 217; THENCE N.89°29'54"W., A DISTANCE OF 300.60 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF CORNING AVENUE AS PRESENTLY ESTABLISHED AND THE SOUTH LINE OF LOTS 217 AND 226, AND THE NORTH-SOUTH ALLEY ADJACENT TO LOTS 217 AND 226, OF SAID MANN'S 2ND ADDITION; THENCE N.09°03'18"E., A DISTANCE OF 323.58 FEET TO THE EXTENSION OF THE SOUTH LINE OF LOT 361, 362, AND 363 OF MANN'S REPLAT OF MANN'S 2ND ADDITION TO LAKE PARK; THENCE S.89°33'40"E., A DISTANCE OF 149.95 FEET TO THE SOUTHEAST CORNER OF SAID LOT 363; THENCE N.00°09'24"E., A DISTANCE OF 134.00 FEET ALONG THE EAST LINE OF SAID LOT 363 TO THE POINT

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OF BEGINNING, CONTAINING 112792.16 SQ.FT. OR 2.589 ACRES OF LAND AND SUBJECT TO ALL EASEMENT OF RECORD.

- 3. A public hearing shall be held on December 21, 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 of the City of Des Moines, Iowa, 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 Gatto TO ADOPT.

FORM APPROVED:

Lisa A. Wieland

Lisa A. Wieland,
Assistant City Attorney

RM

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