



Roll Call Number

15-2117

Agenda Item Number

19

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Date December 21, 2015

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF THE EAST/WEST ALLEY BETWEEN FRANKLIN AVENUE AND ALLISON AVENUE, EAST OF 18<sup>TH</sup> STREET TO BEVERLY L. WALLACE FOR \$100.00**

**WHEREAS**, on December 7, 2015, by Roll Call No. 15-2050, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission recommending approval of a request from Beverly L. Wallace for the vacation of the east/west segment of alley between Allison Avenue and Franklin Avenue from a point 150 feet east of 18<sup>th</sup> Street to the dead end 250 feet east of 18<sup>th</sup> Street, 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**, Beverly L. Wallace, owner of 1700 Allison Avenue, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$100.00 for the purchase of the portion of the alley right-of-way adjoining 1700 Allison Avenue and 1624 Allison Avenue for incorporation into her 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 alley right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and 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 the east/west alley right-of-way between Franklin Avenue and Allison Avenue adjoining 1700 Allison Avenue and 1624 Allison Avenue, legally described as follows:

ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 3 AND LOT 4, 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 APPROXIMATELY 1,600 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the portion of the east/west alley right-of-way adjoining 1700 Allison Avenue and 1624 Allison Avenue, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

To: Beverly L. Wallace



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For: \$100.00

ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 3 AND LOT 4, 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 1,600 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on January 11, 2016, 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.

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

[Signature] Lisa A. Wieland

Lisa A. Wieland

Assistant City Attorney

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

MOTION CARRIED

APPROVED

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] Mayor

[Signature] City Clerk