



**Roll Call Number**

15-2151

**Agenda Item Number**

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**Date** December 21, 2015

**HOLD HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF  
SOUTHWEST 31<sup>ST</sup> STREET AND WOLCOTT AVENUE RIGHT-OF-WAY ADJOINING  
3029 WOLCOTT AVENUE TO GARY L. RANDA FOR \$150**

**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 31st 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 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 the City will not be inconvenienced by the sale of said property; and

**WHEREAS**, on December 7, 2015, by Roll Call No. 15-2051, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the City street right-of-way be set for hearing on December 21, 2015, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to vacate and convey the City street 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 of the City of Des Moines, Iowa.

**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 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 described herein, are hereby overruled and the hearing is closed.



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2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of a portion of Southwest 31st 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, and said vacation is hereby approved:

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,

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.

3. The proposed sale of such vacated right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to a reservation of easements therein, and said conveyance is hereby approved:

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.

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.



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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 a copy of the other documents to the grantee.

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

(Council Communication No. 15-657)

Moved by Hensley 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			

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

T. M. Franklin Council Mayor