



Roll Call Number

15-2153

Agenda Item Number

49 ✓

Date December 21, 2015

**CONTINUANCE OF 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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**, on December 7, 2015, by Roll Call No. 15-2052, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of a segment of the north/south alley west of 6<sup>th</sup> Avenue from Corning Avenue to appoint 50 feet north, along with conveyance of additional City-owned property at 3010 6<sup>th</sup> 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**, due notice of the proposal was published as provided by law in the Des Moines Register, setting forth the time and place for hearing on the proposal; and

**WHEREAS**, there is no known current or future public need or benefit for the properties to be sold, and the City will not be inconvenienced by the sale of the properties listed below subject to the terms and conditions set forth herein and in the acquisition agreement; and

**WHEREAS**, a continuance of the public hearing is needed until the Council meeting on January 25, 2016, in order for Polk County to complete their review and due diligence of the Property.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that the public hearing for vacation and conveyance of a segment of the north/south alley west of 6<sup>th</sup> Avenue from Corning Avenue to a point 50 feet north, along with conveyance of additional City-owned property at 3010 6<sup>th</sup> 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), be and is hereby continued to January 25, 2016, at 5:00 p.m. in the City Council Chambers.

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MOVED BY Mahaffey TO ADOPT.

FORM APPROVED:

*(Signature of 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

*(Signature of Y. M. Franklin Cownie)*  
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.

*(Signature of Diane Rauh)*

City Clerk