

★ Roll Call Number

16-0071

Agenda Item Number

41

Date January 11, 2016

HOLD HEARING FOR CONVEYANCE OF A VACATED PORTION OF THE 18TH STREET RIGHT-OF-WAY LOCATED NORTH OF OLIVE AVENUE AND ADJOINING 944 18TH STREET TO WESLEY COMMUNITY SERVICES, INC. FOR \$5,192.00

WHEREAS, on December 15, 1986, by Roll Call No. 5723, the City Council of the City of Des Moines adopted Ordinance No. 10,908 vacating the 18th Street right-of-way located north of Olive Avenue and adjoining 944 18th Street ("Property"), more particularly described below; and

WHEREAS, Wesley Community Services, Inc., as successor in interest to Generations Incorporated, owner of 944 18th Street, has offered to the City of Des Moines, Iowa, ("City") the purchase price of \$5,192.00 for the purchase of that portion of the vacated 18th Street right-of-way lying north of Olive Avenue and adjoining 944 18th Street for incorporation into its commercial property, which price reflects the fair market value of said portion of vacated 18th Street right-of-way as currently estimated by the City's Real Estate Division; and

WHEREAS, the City has no current or anticipated public need for the Property proposed to be sold, and the City will not be inconvenienced by the sale and conveyance of said Property, subject to the reservation of an easement upon the Property for the continued use and maintenance of any utilities now in place, including utilities for the benefit and use of the City, with the right of entry for servicing same, until such time as they are abandoned or relocated by the buyer at the buyer's expense; and

WHEREAS, on December 21, 2015, by Roll Call No. 15-2116, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Property be set down for hearing on January 11, 2016, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey the Property 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 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the vacated street right-of-way, as described below, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the vacated 18th Street right-of-way proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the vacated 18th Street



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right-of-way located north of Olive Avenue and adjoining 944 18th Street, legally described as follows, to Wesley Community Services, Inc. for \$5,192.00, and said conveyance be and is hereby approved, subject to reservation of easements therein:

THE WEST HALF (1/2) OF THE VACATED 18TH STREET RIGHT OF WAY LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 18, BLOCK 1, GLENDALE, AN OFFICIAL PLAT, SAID NORTH LINE ALSO BEING THE SOUTH LINE OF SCHOOL STREET RIGHT OF WAY, AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 10 IN SAID BLOCK 1, SAID SOUTH LINE ALSO BEING THE NORTH LINE OF OLIVE AVENUE RIGHT OF WAY, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 6,922 SQUARE FEET.

3. 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.
4. 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.
5. 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.
6. 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 copies of the other documents to the grantees.
7. Non-project related land sale proceeds are used to support general operating budget expenses:
Org – EG064090.

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(Council Communication No. 16- 016)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

PCW

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

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