



Roll Call Number

16-0153

Agenda Item Number

48

Date January 25, 2016

CONTINUED 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, 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 6th Avenue from Corning Avenue to appoint 50 feet north, along with conveyance of 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) be set down for hearing on December 21, 2015, at 5:00 p.m., in the Council Chamber; and

WHEREAS, on December 21, 2015, by Roll Call No. 15-2153, it was duly resolved by the City Council of the City of Des Moines, Iowa that the hearing for consideration of the proposed vacation and conveyance of City-owned right-of-way and conveyance of such vacated right-of-way and additional City-owned property at 3010 6th Avenue be continued in order for Polk County to complete their review and due diligence on the property, to January 25, 2016, at 5:00 p.m., in the City Council Chambers; 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 property to be sold, and the City will not be inconvenienced by the sale of the property listed below subject to the terms and conditions set forth herein and in the acquisition agreement; and



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WHEREAS, in accordance with City Council direction, those interested in this 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.

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 the City Right-of-Way, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the City Right-of-Way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of portions of a segment of the north/south alley west of 6th Avenue from Corning Avenue to a point 50, feet north as legally described below, and said vacation is hereby approved:

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.

3. The proposed sale of such 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), is hereby approved:

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 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



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

4. The Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. 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 Deed, together with a certified copy of this resolution and of the affidavit of publication of the

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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 to the grantee.

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

MOVED BY Westergaard TO ADOPT.

FORM APPROVED:

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

AW

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