

★ Roll Call Number

16-1085

Agenda Item Number

60

Date June 27, 2016

**HOLD HEARING FOR CONVEYANCE OF THE VACATED NORTH/SOUTH ALLEY
RIGHT-OF-WAY ADJOINING 1429 DIXON STREET TO KELVIN GREEN FOR \$100
AND ADJOINING 1433 DIXON STREET TO DANIEL CHAVEZ AND MARINA
GOLDAMED FOR \$100**

WHEREAS, June 15, 1981, the City of Des Moines, Iowa, ("City") approved Ordinance No. 9956 vacating the alley right-of-way located north of Cleveland Avenue between Dixon Street and Stewart Street east of and adjoining 1429 Dixon Street and 1433 Dixon Street ("Property"), more particularly described below; and

WHEREAS, Kelvin Green, owner of 1429 Dixon Street, has offered to the City of Des Moines, Iowa, the purchase price of \$100.00 for the purchase of the portion of the vacated alley right-of-way lying east of and adjoining 1429 Dixon Street for incorporation into his 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, Daniel Chavez and Marina Goldamed, owners of 1433 Dixon Street, have offered to the City of Des Moines, Iowa, the purchase price of \$100.00 for the purchase of the portion of the vacated alley right-of-way lying east of and adjoining 1433 Dixon Street for incorporation into their 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, the City has no current or anticipated public need for the Property, and the City will not be inconvenienced by the sale and conveyance of said Property; and

WHEREAS, on June 13, 2016, by Roll Call No. 16-0951, 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 June 27, 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.

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 alley right-of-way, as described below, are hereby overruled and the hearing is closed.



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16-1085

Agenda Item Number

60

Date June 27, 2016

2. There is no public need or benefit for the vacated alley right-of-way proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the vacated alley right-of-way lying north of Cleveland Avenue between Dixon Street and Stewart Street east of and adjoining 1429 Dixon Street and 1433 Dixon Street, as legally described, to the grantees, and for the consideration identified below, and said conveyance be and is hereby approved, subject to a reservation of easements therein:

Grantee: Kelvin Green

Consideration: \$100.00

Legal Description: ALL OF THE VACATED NORTH-SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJACENT TO LOT 1 DIXON PLAZA PLAT 1, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 720 SQUARE FEET.

Grantee: Daniel Chavez and Marina Goldamed

Consideration: \$100.00

Legal Description: ALL OF THE VACATED NORTH-SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJACENT TO LOT 2 DIXON PLAZA PLAT 1, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 720 SQUARE FEET.

(VACATED BY ORDINANCE NO. 9956, PASSED JUNE 15, 1981).

3. The Mayor is authorized and directed to sign the Offers to Purchase and Quit Claim Deeds for the conveyances 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 Deeds, 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 Deeds, 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.



Roll Call Number

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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 Deeds 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.

(Council Communication No. 16- 345)

Moved by Westergaard to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

PCW

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

T. M. Franklin Council Mayor

Diane Rauh City Clerk