

★ **Roll Call Number**

16-1086

**Agenda Item Number**

61

**Date** June 27, 2016

**HOLD HEARING FOR CONVEYANCE OF A PORTION OF VACATED  
NORTH/SOUTH ALLEY RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING 1653  
CLEVELAND AVENUE TO JAMES AND DIEDRA D. CONLEY FOR \$25**

**WHEREAS**, on October 23, 1978, the City of Des Moines, Iowa, ("City") approved Ordinance No. 9489 vacating the alley right-of-way located south of Cleveland Avenue between Sampson Street and East 17<sup>th</sup> Street east of and adjoining 1653 Cleveland Avenue, Des Moines, Iowa ("Property"), more particularly described below; and

**WHEREAS**, James Conley and Diedra D. Conley, owners of 1653 Cleveland Avenue, have offered to the City of Des Moines, Iowa, the purchase price of \$25.00 for the purchase of the portion of the vacated alley right-of-way lying east of and adjoining 1653 Cleveland Avenue 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. 16-0952, 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.
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 south of Cleveland Avenue between Sampson Street and East 17<sup>th</sup> Street east of and adjoining 1653 Cleveland Avenue, Des Moines, Iowa, 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:



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Grantees: James Conley and Diedra D. Conley

Consideration: \$25.00

Legal Description: THE WEST HALF OF THE VACATED NORTH-SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJACENT TO LOT 202, WITTMER AND WELCH'S OFFICIAL PLAT OF THE SOUTH 50 ACRES OF THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 36-79-24, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; CONTAINING 350 SQUARE FEET.

(VACATED BY ORDINANCE NO. 9,489, PASSED OCTOBER 23, 1978).

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 the estimated 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. 16-346)

Moved by Westergaard to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

PSW

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

MOTION CARRIED APPROVED

T. M. Franklin Council 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