

★ Roll Call Number

16-1154

Agenda Item Number

48

Date July 11, 2016

**HOLD HEARING FOR CONVEYANCE OF A PORTION OF VACATED
NORTH/SOUTH ALLEY RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING 1023
25th STREET TO CHRISTOPHER H. DRAPER FOR \$25**

WHEREAS, on January 6, 2003, by Roll Call 03-076, the City Council of the City of Des Moines, Iowa, ("City") approved Ordinance No. 14,200 vacating a portion of the north/south alley right-of-way between 24th and 25th Streets south of Kingman Boulevard and adjoining 1023 25th Street, Des Moines, Iowa ("Property"), more particularly described below; and

WHEREAS, Christopher H. Draper, owner of 1023 25th Street, has 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 1023 25th Street for incorporation into his residential property, which price reflects the fair market value of said portion of vacated alley right-of-way as established by City Council policy; 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 27, 2016, by Roll Call No. 16-1046, 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 July 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.

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 between 24th and 25th Streets south of Kingman Boulevard and adjoining 1023 25th Street, Des Moines, Iowa, as legally described, to the grantee, 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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Grantee: Christopher H. Draper

Consideration: \$25.00

Legal Description: THE WEST HALF OF THE VACATED NORTH-SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING THE NORTH HALF OF LOT 184, AND EAST OF AND ADJOINING THE SOUTH 18 FEET OF LOT 185, UNIVERSITY LAND COMPANY'S FIRST ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

(VACATED BY ORDINANCE NO. 14,200, PASSED JANUARY 6, 2003).

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 grantee.
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- 373)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	1			
COLEMAN	1			
GATTO	1			
GRAY	1			
HENSLEY	1			
MOORE	1			
WESTERGAARD	1			
TOTAL	7			

MOTION CARRIED APPROVED
T. M. Franklin Council

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