

16-1247

55

Date July 25, 2016

Page 1

HOLD HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF EAST/WEST ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 810 26TH STREET TO RALLY CAP PROPERTIES, LLC FOR \$100.00

WHEREAS, on June 13, 2016, by Roll Call No. 16-0939, the City Council of the City of Des Moines, Iowa, received and filed a recommendation from the City Plan and Zoning Commission recommending approval of a request for the vacation of an east/west segment of alley between Rollins Avenue and Center Street from 26th Street to a point 79.4 feet to the west, adjoining the south property line of 810 26th Street, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, Rally Cap Properties, LLC, the owner of 810 26th Street, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$100.00 for the purchase of the east/west segment of alley between Rollins Avenue and Center Street, adjoining the south property line of 810 26th Street for incorporation into their adjoining property in order to mitigate existing gravel driveway and garage encroachments, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of said portion of alley right-of-way as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the alley right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said property.

WHEREAS, on July 11, 2016, by Roll Call No. 16-1116, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the City right-of-way be set for hearing on July 25, 2016, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate and convey the City right-of-way 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 vacation and 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 east/west segment of alley between Rollins Avenue and Center Street, adjoining the south property line of 810 26th Street, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the east/west segment of alley between

Date July 25, 2016

Rollins Avenue and Center Street, adjoining the south property line of 810 26th Street, legally described as follows, and said vacation is hereby approved:

ALL OF THE EAST/WEST ALLEY LYING SOUTH OF AND ADJOINING THE EAST 79.4 FEET OF LOT 16, SAUCERMAN'S WOODLAWN PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 794 SQUARE FEET.

3. The proposed sale of such vacated right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements therein, and said conveyance is hereby approved:

Grantee: Rally Cap Properties, LLC

Consideration: \$100.00

Legal Description:

ALL OF THE VACATED EAST/WEST ALLEY LYING SOUTH OF AND ADJOINING THE EAST 79.4 FEET OF LOT 16, SAUCERMAN'S WOODLAWN PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 794 SQUARE FEET.

4. 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.

5. 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.

6. 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.

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 and a copy of the other documents to the grantee.

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



Roll Call Number

16-1247

Agenda Item Number

55

Page 3

Date July 25, 2016

(Council Communication No. 16-410)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

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

MOTION CARRIED APPROVED

[Signature] 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.

[Signature] City Clerk