



Roll Call Number

16-1510

Agenda Item Number

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Date September 12, 2016

SET HEARING FOR VACATION OF A SEGMENT OF BOYD STREET RIGHT-OF-WAY LOCATED BETWEEN EAST 21ST STREET AND DELAWARE AVENUE AND CONVEYANCE TO DOROTHY RHOADES FOR \$200, TO GERALD AND KATHLEEN OVERMAN FOR \$150, TO DELAWARE PROPERTIES, L.L.C. FOR \$4,825 AND TO BOYSEN PROPERTIES, LLC FOR \$4,725

WHEREAS, on August 8, 2016, by Roll Call No. 16-1305, 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 from Boysen Properties, LLC, 2905 Delaware Avenue, for the vacation of an east/west segment of undeveloped Boyd Street right-of-way between Delaware Avenue and East 21st Street, adjoining 2905 Delaware Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, Boysen Properties, LLC, the owner of 2905 Delaware Avenue, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$4,725.00 for the purchase of the segment of undeveloped Boyd Street right-of-way adjoining 2905 Delaware Avenue for incorporation into its adjoining commercial property, 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 street right-of-way as determined by the City’s Real Estate Division; and

WHEREAS, Delaware Properties, L.L.C., the owner of 2741 Delaware Avenue, 2020 Boyd Street and 2025 Boyd Street, has offered to the City the purchase price of \$4,825.00 for the purchase of the segment of undeveloped Boyd Street right-of-way adjoining its property for incorporation into its adjoining commercial property, 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 street right-of-way as determined by the City’s Real Estate Division; and

WHEREAS, Gerald E. Overman and Kathleen M. Overman, the owners of 2029 Boyd Street, have offered to the City the purchase price of \$150.00 for the purchase of the segment of undeveloped Boyd Street right-of-way adjoining 2029 Boyd Street for incorporation into their adjoining residential property, 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 street right-of-way as determined by the City’s Real Estate Division; and

WHEREAS, Dorothy E. Rhoades, the owner of 2908 East 21st Street, has offered to the City the purchase price of \$200.00 for the purchase of the segment of undeveloped Boyd Street right-of-way adjoining 2908 East 21st Street for incorporation into her adjoining residential property, 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 street right-of-way as determined by the City’s Real Estate Division; and



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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the east/west segment of Boyd Street right-of-way between Delaware Avenue and East 21st Street, legally described as follows:

ALL OF THE BOYD STREET RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOT 6 PERIN PLACE, AND LOT 5 VAN DYCK PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the east/west segment of Boyd Street right-of-way between Delaware Avenue and East 21st Street, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

Grantee: Boysen Properties, LLC

Consideration: \$4,725.00

Legal Description: THE NORTH HALF OF THE VACATED BOYD STREET RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOTS 5 AND 6 PERIN PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Grantee: Delaware Properties, L.L.C.

Consideration: \$4,825.00

Legal Description: THE SOUTH HALF OF THE VACATED BOYD STREET RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 7, 9 AND 10 PERIN PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Grantee: Gerald E. and Kathleen M. Overman

Consideration: \$150.00

Legal Description: THE SOUTH HALF OF THE VACATED BOYD STREET RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOT 11 AND, EXCEPT FOR THE EAST 25 FEET OF THE NORTH 133 FEET, LOT 12 PERIN PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.



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Grantee: Dorothy E. Rhoades

Consideration: \$200.00

Legal Description: THE NORTH HALF OF THE VACATED BOYD STREET RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOT 5 VAN DYCK PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on September 26, 2016, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

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

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Assistant City Attorney

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