

16-1641

53

Date September 26, 2016

HOLD 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

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.

Date September 26, 2016

WHEREAS, on September 12, 2016, by Roll Call No. 16-1510, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the street right-of-way be set for hearing on September 26, 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 street 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 an east/west segment of undeveloped Boyd Street right-of-way between Delaware Avenue and East 21st 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 undeveloped Boyd Street right-of-way between Delaware Avenue and East 21st Street, legally described as follows, and said vacation is hereby approved:

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.

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: 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



Roll Call Number

110-1041

Agenda Item Number

53

Page 3

Date September 26, 2016

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.

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.

4. The Mayor is authorized and directed to sign the Offers to Purchase and Quit Claim Deeds 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 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.
6. 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.
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 Deeds and a copy of the other documents to the grantees.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.



Roll Call Number

16-1641

Agenda Item Number

53

Page 4

Date September 26, 2016

(Council Communication No. 16-556)

Moved by Westergaard to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

PRW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY				✓
MOORE	✓			
WESTERGAARD	✓			
TOTAL	6			1
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.

[Signature]

City Clerk