



Roll Call Number

16-1816

Agenda Item Number

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Date October 24, 2016

SET HEARING FOR VACATION OF A PORTION OF ALLEY RIGHT-OF-WAY ADJOINING 1605 WOODLAND AVENUE AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT TO OYORAM VISUAL ARTIST, L.L.C., FOR \$50.00

WHEREAS Oyoram Visual Artist, L.L.C., the owner of 1605 Woodland Avenue, has offered to the City of Des Moines, Iowa, ("City") the purchase price of \$50.00 for the purchase of a Permanent Easement for Building Encroachment in a segment of alley right-of-way adjoining 1605 Woodland Avenue (hereinafter "Property") in order to mitigate an existing building encroachment into the Property, which price reflects the fair market value of said portion of vacated alley right-of-way as currently determined by the City's Real Estate Division; and

WHEREAS, the Property proposed to be vacated and conveyed has been determined by the City Engineer and City Traffic Engineer to have no significant impact on public access, there is no known current or future public need for the alley right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation and conveyance of said City 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 a 1-foot by 100-foot segment of alley right-of-way adjoining 1605 Woodland Avenue, as legally described below:

THE SOUTH 1 FOOT OF ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 1 AND 2 IN SUBDIVISION OF LOT 4 OF 4.94 ACRES OF THE PURSLEY ESTATE IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., (ALSO KNOWN AS THE IOWA LOAN & TRUST COMPANY'S SUBDIVISION) ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. That if the City Council of the City of Des Moines, Iowa, first decides to vacate the above described alley right-of-way, the City further proposes to convey a Permanent Easement for Building Encroachment, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: Oyoram Visual Artist, L.L.C.
Consideration: \$50.00
Legal Description:

THE SOUTH 1 FOOT OF VACATED ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 1 AND 2 IN SUBDIVISION OF LOT 4 OF 4.94 ACRES OF



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THE PURSLEY ESTATE IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., (ALSO KNOWN AS THE IOWA LOAN & TRUST COMPANY'S SUBDIVISION) 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 of the City of Des Moines, Iowa, at which the vacation and proposed conveyance of such alley right-of-way is to be considered, shall be on November 7, 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 Coleman to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

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.

Mayor signature: T. McFranklin

City Clerk signature: Diane Rauh