

★ Roll Call Number  
16-1940

Agenda Item Number  
49

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Date November 7, 2016

**HOLD HEARING FOR VACATION AND CONVEYANCE OF CITY-OWNED PROPERTY  
ADJOINING 3317 SE 23<sup>RD</sup> STREET TO GLENN T. NORTON AND MARYANN M.  
NORTON FOR \$7,500.00**

**WHEREAS**, Glenn T. Norton and Maryann M. Norton, the owners of 3317 SE 23rd Street, have offered to the City of Des Moines, Iowa ("City") the purchase price of \$7,500.00 for the purchase of City-owned public land ("Public Land"), which was originally dedicated for public open space and which adjoins the south property line of 3317 SE 23rd Street, for incorporation into their adjoining property, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, and further subject to a no-build restriction, which price reflects the restricted fair market value of said Public Land as currently determined by an independent appraisal; and

**WHEREAS**, there is no known current or future public need for the Public Land proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said Public Land.

**WHEREAS**, on October 24, 2016, by Roll Call No. 16-1863, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of said Public Land be set for hearing on November 7, 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**, City Staff subsequently determined a Permanent Easement for Sanitary Sewer to the City is no longer necessary and therefore should not be required as a condition of the proposed vacation and conveyance; and

**WHEREAS**, due notice of said proposal to vacate and convey the Public Land 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 Public Land adjoining the south property line of 3317 SE 23rd Street, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the Public Land proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the lot adjoining the south property line of 3317 SE 23rd Street, legally described as follows, and said vacation is hereby approved:



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LOT Z, WOOD'S EDGE PLAT 2, 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 Public Land as legally described below and to the grantees and for the consideration identified below, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, and further subject to a no-build restriction, and said conveyance is hereby approved:

Grantees: Glenn T. Norton and MaryAnn M. Norton  
Consideration: \$7,500.00  
Legal Description:

LOT Z, WOOD'S EDGE PLAT 2, 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 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. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.

6. 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.

7. 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.

8. 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.

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



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(Council Communication No. 16-639)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

rw

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