



Roll Call Number

17-0184

Agenda Item Number

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Date February 6, 2017

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF THE EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING 816 SHAW STREET TO LINDA K. CASAS FOR \$75.00**

**WHEREAS**, on August 13, 2012, by Roll Call No. 12-1245, the City Council of the City of Des Moines received and filed a recommendation from the City Plan and Zoning Commission whose members voted 10-2 in support of a motion to recommend approval of a City Council initiated request for the vacation of the east half of east/west alley lying between Southeast 8<sup>th</sup> Street and Southeast 9<sup>th</sup> Street subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated and that any conveyance of the alley be in the form of a lease until there are more specific plans for the area; and

**WHEREAS**, Linda Casas, owner of adjoining property located at 816 Shaw Street has offered to the City of Des Moines, Iowa ("City") the purchase price of \$75.00 for the purchase of the portion of the alley right-of-way lying North of and adjoining 816 Shaw Street for incorporation into her adjoining residential property, subject to the reservation of easements for all utilities in place until such time that they are abandoned or relocated and further subject to a no-build easement, which price reflects the restricted fair market value of said portion of alley right-of-way as currently estimated by the City's Real Estate Division; and

**WHEREAS**, the City can maintain its control over any future development of the alley by reserving a No-Build Easement as part of the vacation and conveyance of such alley right-of-way, in lieu of a lease; 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.

**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 portion of the east/west alley right-of-way lying north of and adjoining 816 Shaw Street, legally described as follows:

ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY IN BLOCK 52, TOWN OF DE MOINE, AN OFFICIAL PLAT, LYING SOUTH OF AND ADJOINING ALL OF LOT 9 IN SAID BLOCK 52 AND LYING SOUTH OF AND ADJOINING THE NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 52, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.



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2. The City Council of the City of Des Moines, Iowa, further proposes to sell the portion of east/west alley right-of-way located north of and adjoining 816 Shaw Street, as legally described, to the grantee, and for the consideration identified below, subject to the reservation of easements for all utilities in place until such time that they are abandoned or relocated and further subject to a no-build easement:

Grantee: Linda K. Casas

Consideration: \$75.00

Legal Description:

ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 6, 7 AND 8, BLOCK 52, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APROXIMATELY 2700 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such alley right-of-way is to be considered shall be on February 20, 2017, 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.

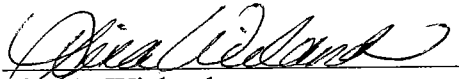
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Moved by Hensley to adopt.

APPROVED AS TO FORM:

  
 Lisa A. Wieland  
 Assistant City Attorney

*RSW*

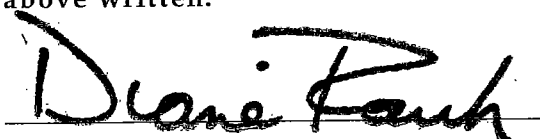
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED 7 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