

Date February 20, 2017

**HOLD 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, 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 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; and

**WHEREAS**, on February 6, 2017, by Roll Call No. 17-0184, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the City alley right-of-way be set for hearing on February 20, 2017, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to vacate and convey the City alley 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:



**Roll Call Number**

17-0310

**Agenda Item Number**

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**Date** February 20, 2017

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of a portion of the east/west alley lying north of and adjoining 816 Shaw 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 a portion of the east/west alley lying north of and adjoining 816 Shaw Street, legally described as follows, and said vacation is hereby approved:

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.

3. The proposed sale of such vacated alley right-of-way, as legally described below, 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, and said conveyance is hereby approved:

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 APPROXIMATELY 2700 SQUARE FEET.

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. 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.
6. 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.



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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 Deed and a copy of the other documents to the grantee.

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

(Council Communication No. 17-091)

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			

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

T. M. Franklin Council Mayor