



**Roll Call Number**

17-0816

**Agenda Item Number**

74

Page 1

**Date** May 8, 2017

**HOLD HEARING AND APPROVAL OF DOCUMENTS FOR CONVEYANCE OF PORTIONS OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY BETWEEN EAST 23<sup>RD</sup> STREET AND EAST 24<sup>TH</sup> STREET, NORTH OF GUTHRIE AVENUE, TO ADJOINING PROPERTY OWNERS FOR \$175.00**

**WHEREAS**, on May 3, 1982 the City of Des Moines vacated all of the north/south alley right-of-way lying east of and adjoining the north 10.0 feet of Lot 128 and lying east of and adjoining Lots 129 through 142 inclusive, Willoughby Place by Ordinance No. 10,121; and

**WHEREAS**, the owners of property abutting such vacated alley rights-of-way have offered to the City of Des Moines the purchase price listed below for the purchase of such property, more specifically described below, subject to the reservation of easements for all utilities in place until such time that they are abandoned or relocated; and

**WHEREAS**, there is no known current or future public need for the vacated alley right-of-way proposed to be sold, and the City will not be inconvenienced by the sale of said property; and

**WHEREAS**, on April 17, 2017, by Roll Call No. 17-0669, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the vacated City alley right-of-way be set for hearing on May 8, 2017, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey the vacated 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 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 conveyance of portions of the vacated north/south alley right-of-way between East 23<sup>rd</sup> Street and East 24<sup>th</sup> Street, North of Guthrie Avenue, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the vacated alley right-of-way proposed to be sold, and the public would not be inconvenienced by reason of the sale of portions of the vacated north/south alley right-of-way between East 23<sup>rd</sup> Street and East 24<sup>th</sup> Street, North of Guthrie Avenue, as described herein.
3. The proposed sale of such vacated alley right-of-way, as legally described below, to the grantees, 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, is hereby approved:



**Roll Call Number**

17-0816

**Agenda Item Number**

74

Page 2

**Date** May 8, 2017

Grantee: Jennifer R. Goode

Consideration: \$25.00

Legal Description:

-EXCEPT THE NORTH 20 FEET THEREOF-, ALL OF THE WEST HALF (1/2) OF THE VACATED ALLEY LYING EAST OF AND ADJOINING ALL OF LOTS 136 AND 137, ALL IN WILLOUGHBY PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIAMATELY 480 SQUARE FEET.

Grantee: Chad Pierce

Consideration: \$50.00

Legal Description:

ALL OF THE WEST HALF (1/2) OF THE VACATED ALLEY LYING EAST OF AND ADJOINING ALL OF LOT 131, AND ALL OF THE EAST HALF (1/2) OF THE VACATED ALLEY LYING WEST OF AND ADJOINING ALL OF LOTS 154 AND 155, ALL IN WILLOUGHBY PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIAMATELY 800 SQUARE FEET.

Grantee: Matthew & Kristi Kenyon

Consideration: \$50.00

Legal Description:

ALL OF THE WEST HALF (1/2) OF THE VACATED ALLEY LYING EAST OF AND ADJOINING ALL OF LOTS 132 AND 133, AND ALL OF THE EAST HALF (1/2) OF THE VACATED ALLEY LYING WEST OF AND ADJOINING ALL OF LOTS 152 AND 153, ALL IN WILLOUGHBY PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIAMATELY 1280 SQUARE FEET.

Grantee: Erin Massman

Consideration: \$50.00

Legal Description:

-EXCEPT THE NORTH 20 FEET THEREOF-, THE EAST HALF (1/2) OF THE VACATED ALLEY LYING WEST OF AND ADJOINING LOTS 149, AND ALL OF THE EAST HALF (1/2) OF THE VACATED ALLEY LYING WEST OF AND ADJOINING ALL OF LOTS 150 AND 151, AND ALL OF THE WEST HALF (1/2) OF THE VACATED ALLEY LYING EAST OF AND ADJOINING ALL OF LOTS 134 AND 135, ALL IN WILLOUGHBY PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIAMATELY 1440 SQUARE FEET.

★ **Roll Call Number**  
17-0816

**Agenda Item Number**  
74

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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.

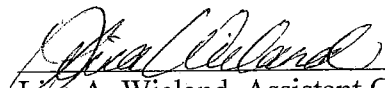
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deeds and a copy of the other documents to the grantee.

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

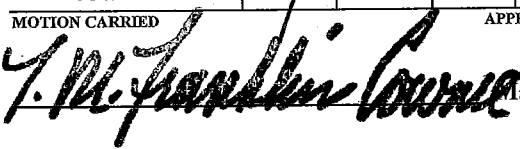
(Council Communication No. 17- 401 )

Moved by Westergaard 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			

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