



Roll Call Number

17-1156

Agenda Item Number

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Date July 10, 2017

SET HEARING FOR VACATION AND CONVEYANCE OF A DEAD-END SEGMENT OF SOUTHWEST 19TH STREET ADJOINING 1821 FRAZIER AVENUE TO LARRY J. BUTLER AND MARY E. BUTLER FOR \$300.00

WHEREAS, on June 12, 2017, by Roll Call No. 17-0969, the City Council of the City of Des Moines received and filed a recommendation from the City Plan and Zoning Commission whose members voted 11-0 to recommend approval of a request from Larry Butler for vacation of a dead-end segment of Southwest 19th Street adjoining 1821 Frazier Avenue, subject to reservation of easements for all utilities in place until such time that they are abandoned or are relocated; and

WHEREAS, Larry J. Butler and Mary E. Butler, owner of adjoining property located at 1821 Frazier Avenue, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$300.00 for the purchase of the dead-end segment of Southwest 19th Street adjoining 1821 Frazier Avenue for incorporation into his 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-use fair market value of the street right-of-way as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the street 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 dead-end segment of Southwest 19th Street adjoining 1821 Frazier Avenue, legally described as follows:

ALL OF THE SOUTHWEST 19TH STREET RIGHT-OF-WAY LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 99 AND LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 99, ALL IN WAKONDA MANOR PLAT No.5, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 5915 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the dead-end segment of Southwest 19th Street adjoining 1821 Frazier Avenue, 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:

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Grantee: Larry J. Butler & Mary E. Butler
 Consideration: \$300.00
 Legal Description:

ALL OF THE VACATED SOUTHWEST 19TH STREET RIGHT-OF-WAY LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 99 AND LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 99, ALL IN WAKONDA MANOR PLAT No.5, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 5915 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such street right-of-way is to be considered shall be on July 24, 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.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Ann DiDonato
 Ann DiDonato
 Assistant City Attorney

RDW

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

MOTION CARRIED 7 APPROVED
T. M. Franklin Cownie 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