

★ Roll Call Number

17-1236

Agenda Item Number

29

Date July 24, 2017

SET HEARING FOR VACATION OF CITY ALLEY RIGHT-OF-WAY ADJOINING 1212 HUTTON STREET AND CONVEYANCE TO KATY S. BROWN FOR \$150.00

WHEREAS, on June 26, 2017, the City Council of the City of Des Moines, Iowa voted to accept the recommendation from the City Plan and Zoning Commission that the east-west alley right-of-way adjoining 1212 Hutton Street, hereinafter more fully described, be vacated, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated; and

WHEREAS, Katy S. Brown, owner of 1212 Hutton Street, has offered to the City of Des Moines ("City") the purchase price of \$150.00 for the vacation and purchase of the east west alley right-of-way adjoining her property at 1212 Hutton Street (herein "City Right-of-Way"), for incorporation into 1212 Hutton Street, which price reflects the fair market value of the City Right-of-Way as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the portion of the City 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, as follows:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the east-west alley right-of-way adjoining 1212 Hutton Street, legally described as follows, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated:

ALL OF THE EAST-WEST ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOT 53, ASHBROOK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; CONTAINING 1,827 SQUARE FEET.

SUBJECT TO EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

2. That if the City Council decides to vacate the above described right-of-way, the City further proposes to sell such vacated right-of-way, as legally described below, to Katy S. Brown for \$150.00, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated at buyer's expense:

ALL OF THE VACATED EAST-WEST ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOT 53, ASHBROOK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; CONTAINING 1,827 SQUARE FEET.

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SUBJECT TO EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

- 3. That the meeting of the City Council at which the vacation and conveyance of such street right-of-way is to be considered shall be on August 14, 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. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 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

raw

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

T. M. Franklin Course 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