

★ Roll Call Number

17. 1288

Agenda Item Number

60

Date July 24, 2017

**HOLD HEARING FOR CONVEYANCE OF VACATED CITY RIGHT-OF-WAY
LOCATED SOUTH OF AND ADJOINING 12 FULTON DRIVE TO DUSTIN L.
SCHAEFER AND CYNTHIA A. SCHAEFER FOR \$100**

WHEREAS, on January 23, 1989, by Roll Call No. 89-242, the City Council of the City of Des Moines, Iowa, ("City") approved Ordinance No. 11,252 vacating the alley right-of-way located south of and adjoining 12 Fulton Drive, Des Moines, Iowa ("Property"), more particularly described below; and

WHEREAS, Dustin L. Schaefer and Cynthia A. Schaefer, owners of 12 Fulton Drive, have offered to the City of Des Moines, Iowa, the purchase price of \$100.00 for the purchase of said Property for incorporation into their residential property, which price reflects the fair market value of said Property as determined by the City's Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be sold and the City will not be inconvenienced by the sale of said Property; and

WHEREAS, on July 10, 2017, by Roll Call No. 17-1158, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Property be set down for hearing on July 24, 2017, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey the Property 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance, as described below, 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 conveyed, and the public would not be inconvenienced by reason of the conveyance of all of the vacated alley right-of-way located south of and adjoining 12 Fulton Drive, Des Moines, Iowa, as legally described, to the grantees, and for the consideration identified below, and said conveyance be and is hereby approved, subject to a reservation of easements therein:

Grantee: Dustin L. Schaefer and Cynthia A. Schaefer
Consideration: \$100.00

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Legal Description: All of the vacated east-west alley right-of-way lying south of and adjoining Lots 341 and 342 in First Plat of Clifton Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; containing 1280 square feet.

(VACATED BY ORDINANCE NO. 11,252, PASSED JANUARY 23, 1989).

3. 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.
4. 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 document to be recorded.
5. 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 the document to be recorded.
6. Upon receipt of the recorded document back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantee.
7. Non-project related land sale proceeds are used to support general operating budget expenses:
Org – EG064090.

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(Council Communication No. 17- 550)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Ann DiDonato, Assistant City Attorney

PCW

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

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