



Roll Call Number

17-1738

Agenda Item Number

21

Date October 9, 2017

SET HEARING FOR VACATION OF A PORTION OF CITY-OWNED STREET RIGHT-OF-WAY LOCATED NORTH OF FRANKLIN AVENUE BETWEEN 23RD STREET AND 24TH STREET AND CONVEYANCE TO ADJOINING PROPERTY OWNERS FOR \$450.00

WHEREAS, on August 14, 2017, by Roll Call No. 17-1360, the City Council of the City of Des Moines, Iowa voted to receive and file the recommendation from the City Plan and Zoning Commission that the west 16.5 feet of the 33-foot wide half-street right-of-way adjoining 2327 Franklin Avenue and 1915, 1921 and 1925 24th Street (collectively "City Right-of-Way"), 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 subject to the reservation of a shared vehicular access easement for the benefit of the adjoining properties; and

WHEREAS, David Dale Lohner, owner of 2327 Franklin Avenue, has offered to the City of Des Moines ("City") the purchase price of \$200.00 for the vacation and purchase of the portion of street right-of-way adjoining his property at 2327 Franklin Avenue; and Martin Stoner owner of 1915 24th Street, has offered to the City the purchase price of \$100.00 for the vacation and purchase of the portion of street right-of-way adjoining his property at 1915 24th Street; and Ronald M. Delaney IRA Guaranty Bank and Trust Company as Trustee, owner of 1921 24th Street, has offered to the City the purchase price of \$100.00 for the vacation and purchase of the portion of street right-of-way adjoining its property at 1921 24th Street; and Preferred Property Enterprises, LLC, owner of 1925 24th Street, has offered to the City the purchase price of \$50.00 for the vacation and purchase of the portion of street right-of-way adjoining its property at 1925 24th Street, for incorporation into their respective residential properties and to accommodate existing encroachments into the right-of-way, which prices reflect the fair market values of the City Right-of-Way as determined by the City's Real Estate Division; and

WHEREAS, the east 16.5 feet of the 33-foot wide half street right-of-way adjoining 2327 Franklin Avenue and 1915, 1921 and 1925 24th Street will remain dedicated street right-of-way and will satisfy the City Plan and Zoning Commission's requirement for a shared vehicular access for the benefit of the adjoining properties; 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 west 16.5 feet of the 33-foot wide half-street right-of-way adjoining 2327 Franklin Avenue and 1915, 1921 and 1925 24th Street, legally described as follows, subject to the



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reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated at no cost to the City:

ALL THAT PART OF THE WEST 16.5 FEET OF THE NORTH-SOUTH STREET RIGHT OF WAY IN THE C.H. ATKIN'S SUBDIVISION OF LOT 31 OF THE OFFICIAL PLAT OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1 IN SAID C.H. ATKIN'S SUBDIVISION, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the west 16.5 feet of the 33-foot wide half-street right-of-way adjoining 2327 Franklin Avenue and 1915, 1921 and 1925 24th Street, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

Grantee: David Dale Lohner

Consideration: \$200.00

Legal Description: ALL THAT PART OF THE WEST 16.5 FEET OF THE VACATED NORTH-SOUTH STREET RIGHT OF WAY IN THE C.H. ATKIN'S SUBDIVISION OF LOT 31 OF THE OFFICIAL PLAT OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., LYING SOUTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1 IN ADLOG PLACE, AN OFFICIAL PLAT, AND LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1 IN THE C.H. ATKIN'S SUBDIVISION OF LOT 31 OF THE OFFICIAL PLAT OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 2558 SQUARE FEET.

Grantee: Martin Stoner

Consideration: \$100.00

Legal Description: ALL THAT PART OF THE WEST 16.5 FEET OF THE VACATED NORTH-SOUTH STREET RIGHT OF WAY IN THE C.H. ATKIN'S SUBDIVISION OF LOT 31 OF THE OFFICIAL PLAT OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., LYING EAST OF AND ADJOINING LOT 1, ADLOG PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1275 SQUARE FEET.

Grantee: Ronald M. Delaney IRA Guaranty Bank and Trust Company as Trustee

Consideration: \$100.00

Legal Description: ALL THAT PART OF THE WEST 16.5 FEET OF THE VACATED NORTH-SOUTH STREET RIGHT OF WAY IN THE C.H. ATKIN'S SUBDIVISION OF LOT 31 OF THE OFFICIAL PLAT OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., LYING EAST OF AND ADJOINING LOT 2, ADLOG PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1023 SQUARE FEET.



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Grantee: Preferred Property Enterprises, LLC
Consideration: \$50.00

Legal Description: ALL THAT PART OF THE WEST 16.5 FEET OF THE VACATED NORTH-SOUTH STREET RIGHT OF WAY IN THE C.H. ATKIN'S SUBDIVISION OF LOT 31 OF THE OFFICIAL PLAT OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., LYING EAST OF LOT 1 IN SAID C.H. ATKIN'S SUBDIVISION AND LYING NORTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 2 IN ADLOG PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 254 SQUARE FEET.

- 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 October 23, 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:

RN Lisa A. Wieland, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

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.

T. M. Franklin, Mayor

Diane Rauh, City Clerk