

★ Roll Call Number  
17-1886

Agenda Item Number  
15

Date November 6, 2017

**SET HEARING FOR CONVEYANCE OF A PORTION OF VACATED ALLEY RIGHT-OF-WAY ADJOINING 4101 AMHERST STREET AND 4112 NORTH UNION STREET TO TRUE BIBLE BAPTIST CHURCH FOR \$125.00 AND ADJOINING 4110 NORTH UNION STREET TO ERIK DEIBER FOR \$25.00**

**WHEREAS**, on October 1, 1984 the City Council of the City of Des Moines, Iowa, ("City") approved Ordinance No. 10,533 vacating all of the north-south alley right-of-way in the block bounded by Northeast Aurora Avenue, East Shawnee Street, Amherst Street, and North Union Street, with a portion of said vacated alley right-of-way lying west of and adjoining 4110 and 4112 North Union Street, and lying east of and adjoining 4101 Amherst Street ("Property"), more particularly described below; and

**WHEREAS**, True Bible Baptist Church, owner of 4101 Amherst Street, has offered to the City of Des Moines, Iowa, the purchase price of \$125.00 for the purchase of a portion of the Property adjoining 4112 North Union Street, and located east of and adjoining 4101 Amherst Street, which price reflects the fair market value of said portion of the Property as determined by the City's Real Estate Division; and

**WHEREAS**, Erik Deiber a/k/a Eric Deiber, owner of 4110 North Union Street, has offered to the City of Des Moines, Iowa, the purchase price of \$25.00 for the purchase of a portion of the Property adjoining 4110 North Union Street, which price reflects the fair market value of said portion of the 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.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, proposes to sell a portion of vacated north-south alley right-of-way located west of and adjoining 4110 and 4112 North Union Street, and located east of and adjoining 4101 Amherst Street, as legally described, to the grantees, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: True Bible Baptist Church

Consideration: \$125.00

Legal Description: THE EAST HALF (1/2) OF THE VACATED ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 9 IN BLOCK 1 OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 23,



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TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M. EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF (1/2) THEREOF,

AND

ALL OF SAID VACATED ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 13 AND 14 IN SAID BLOCK 1,

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Grantee: Erik Deiber a/k/a Eric Deiber

Consideration: \$25.00

Legal Description: THE EAST HALF (1/2) OF THE VACATED ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 10 IN BLOCK 1 OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M. EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF (1/2) THEREOF, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

2. A public hearing shall be held on November 20, 2017, 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. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
3. 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.
4. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.



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Moved by Hensley to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

RSW

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

MOTION CARRIED APPROVED  
T. M. Franklin Council 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.

[Signature] City Clerk