



Roll Call Number

17-2013

Agenda Item Number

61

Date November 20, 2017

**HOLD 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; and

**WHEREAS**, on November 6, 2017, by Roll Call No. 17-1886, 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 November 20, 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.



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2. There is no public need or benefit for the portion of vacated north-south alley right-of-way proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the 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, and said conveyance be and is hereby approved, 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, 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.

(VACATED BY ORDINANCE NO. 10,533, PASSED OCTOBER 1, 1984).

3. The Mayor is authorized and directed to sign the Offers to Purchase and Quit Claim Deeds for the conveyances as identified above, and the Chief Deputy 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 Deeds, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to



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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 Deeds, 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 Deeds 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.

(Council Communication No. 17- 793 )

Moved by Westergaard to adopt.

APPROVED AS TO FORM:

[Signature of Lisa A. Wieland]

Lisa A. Wieland, Assistant City Attorney

Row

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

MOTION CARRIED APPROVED [Signature of 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.

[Signature of Diane Rauh] City Clerk