



Roll Call Number

18-0045

Agenda Item Number

24

Date January 8, 2018

SET HEARING TO CORRECT THE CONVEYANCE OF VACATED ALLEY RIGHT-OF-WAY ADJOINING 4101 AMHERST STREET AND 4112 NORTH UNION STREET TO TRUE BIBLE BAPTIST CHURCH, AND ADJOINING 4110 NORTH UNION STREET TO ERIK DEIBER

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"); and

WHEREAS, on November 20, 2017, by Roll Call No. 17-2013, the City Council intended to approve the conveyance of portions of such Property to adjoining owners True Bible Baptist Church, for \$125.00, and to Erik Deiber a/k/a Eric Deiber for \$25.00; which price reflects the fair market value of the Property as determined by the City's Real Estate Division; and

WHEREAS, upon recording the Quit Claim Deeds transferring the property to True Bible Baptist Church and to Erik Deiber a/k/a Eric Deiber, the Polk County Auditor determined that the legal description of the Property as set forth in the Quit Claim Deeds contained a scrivener's error which must be corrected in order to effectuate the proposed conveyance to True Bible Baptist Church and to Erik Deiber a/k/a Eric Deiber; 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 convey 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 purpose of correcting the legal description included in Roll Call No. 17-2013, and correcting the Quit Claim Deed filed on November 30, 2017, in Book 16740 Pages 878-885, and the Quit Claim Deed filed on November 30, 2017, in Book 16741 Pages 1-8, both in the Polk County Recorder's Office, subject to a reservation of easements therein:

Grantee: True Bible Baptist Church

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 24 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

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 24 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 January 22, 2018, 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. There are no proceeds associated with this action.

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Moved by Gatto to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

RM

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED 7 APPROVED

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