



Roll Call Number

18-0146

Agenda Item Number

37

Date January 22, 2018

HOLD HEARING FOR CONVEYANCE OF VACATED EAST COURT AVENUE LOCATED SOUTH OF AND ADJOINING 3104 EAST COURT AVENUE TO WOODROW W. STRAIT, JR. FOR \$8,215.00

WHEREAS, on June 6, 1994, by Roll Call No. 94-2194, the City Council of the City of Des Moines, Iowa voted to approve the vacation of all that part of East Court Avenue right-of-way lying East of the East right-of-way line of East 30th Street and West of the southerly extension of the West right-of-way line of East 32nd Street; and

WHEREAS, Woodrow W. Strait, Jr., owner of 3104 East Court Avenue, has offered to the City of Des Moines ("City") the purchase price of \$8,215.00 for the purchase of the vacated East Court Avenue right-of-way lying south of and adjoining its property at 3104 East Court Avenue (hereinafter "Property"), for assemblage with 3104 East Court Avenue, subject to a Permanent Easement for Sanitary Sewer, Storm Sewer and Surface Water Flowage to be filed of record prior to closing on the sale to Mr. Strait, and further subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the fair market value of the City 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 January 8, 2018, by Roll Call No. 18-0046, 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 January 22, 2018, 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 portion of the vacated East Court Avenue right-of-way proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the portion of vacated East Court Avenue right-of-way lying East of the East right-of-way line of



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East 30th Street and West of the southerly extension of the West right-of-way line of East 32nd Street, as legally described, to the grantee, and for the consideration identified below, and said conveyance be and is hereby approved, subject to a reservation of easements therein and further subject to a Permanent Easement for Sanitary Sewer, Storm Sewer and Surface Water Flowage:

Grantee: Woodrow W. Strait, Jr.

Consideration: \$8,215.00

Legal Description: ALL THAT PART OF THE VACATED EAST COURT AVENUE RIGHT OF WAY (FORMERLY KNOWN AS RISING SUN ROAD) LYING EAST OF THE SOUTHEASTERLY LINE OF LOT 8 IN OFFICIAL PLAT OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 6, TOWNSHIP 78 WEST, RANGE 23 NORTH OF THE 5TH P.M., AND LYING WEST OF THE WEST LINE OF THAT PORTION OF THE VACATED EAST COURT AVENUE RIGHT OF WAY CONVEYED BY THE CITY OF DES MOINES AND RECORDED IN BOOK 7048 PAGE 918 AT THE POLK COUNTY, IOWA RECORDER'S OFFICE, ALL IN SAID OFFICIAL PLAT OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 6, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

(VACATED BY ORDINANCE NO. 13,048, PASSED June 6, 1994).

3. The Mayor is authorized and directed to sign the Permanent Easement for Sanitary Sewer, Storm Sewer and Surface Water Flowage, the Offer to Purchase and the 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 Permanent Easement for Sanitary Sewer, Storm Sewer and Surface Water Flowage, and 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 Permanent Easement for Sanitary Sewer, Storm Sewer and Surface Water Flowage, and 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 documents 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.

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7. Non-project related land sale proceeds are used to support general operating budget expenses:
Org – EG064090.

(Council Communication No. 18- 025)

Moved by Gatto to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

rw

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