



Roll Call Number

18-0458

Agenda Item Number

25

Date March 19, 2018

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SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF SOUTHEAST 30TH STREET RIGHT-OF-WAY ADJOINING 308 SOUTHEAST 30TH STREET AND 244 SOUTHEAST 30TH STREET, AND VACATION OF A SEGMENT OF EAST ELM STREET RIGHT-OF-WAY ADJOINING 244 SOUTHEAST 30TH STREET, AND CONVEYANCE TO SERGIO COLIN FOR \$100.00 AND TO MANUEL AND LISA HERNANDEZ FOR \$225.00

WHEREAS, on February 5, 2018, by Roll Call No. 18-0192, the City Council of the City of Des Moines, Iowa, received and filed a recommendation from the City Plan and Zoning Commission recommending approval of a request from Sergio Colin (owner) for vacation of undeveloped excess right-of-way adjoining 308 Southeast 30th Street, to allow for development in accordance with a Site Plan for a use permitted in the "M-1" Light Industrial District or for assemblage with the adjoining property following Zoning Board of Adjustment approval, and of a request from Lisa and Manuel Hernandez (owners) for vacation of undeveloped excess right-of-way adjoining 244 Southeast 30th Street and a segment of East Elm Street right-of-way to the south of 244 Southeast 30th Street, to allow for assemblage with the adjoining residential property, all subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, Sergio Colin, the owner of 308 Southeast 30th Street, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$100.00 for the purchase of a portion of the excess Southeast 30th Street right-of-way adjoining 308 Southeast 30th Street, for development in accordance with a Site Plan for a use permitted in the "M-1" Light Industrial District or for incorporation into his adjoining property following Zoning Board of Adjustment approval, subject to the reservation of 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 right-of-way as determined by the City's Real Estate Division; and

WHEREAS, Lisa Hernandez and Manuel Hernandez, the owners of 244 Southeast 30th Street, have offered to the City the purchase price of \$225.00 for the purchase of excess Southeast 30th Street right-of-way adjoining the north and south sides of 244 Southeast 30th Street, and a segment of East Elm Street right-of-way, to allow for assemblage with the adjoining residential property, subject to the reservation of 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 right-of-way as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the street 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, that:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a portion of the undeveloped excess Southeast 30th Street right-of-way located

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north of and adjoining 308 Southeast 30th Street, and located north of and adjoining 244 Southeast 30th Street, and a segment of East Elm Street right-of-way located south of and adjoining 244 Southeast 30th Street, legally described as follows:

-EXCEPT THE EAST 6 FEET-, THE SOUTH 40 FEET OF THE NORTH 80 FEET OF LOT 2, PINEGAR PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

THE WEST 65 FEET OF LOTS 28, 29 AND 30, R.W. WEST'S SUB-DIVISION OF LOT 11 OF THE OFFICIAL PLAT OF THE SOUTH HALF (1/2) OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M.;

AND

ALL THAT PART OF EAST ELM STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING A PART OF LOT 26 IN SAID R.W. WEST'S SUB-DIVISION AND LYING WEST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF THE EAST 6 FEET OF LOT 2 IN PINEGAR PLACE, AN OFFICIAL PLAT, AND LYING EAST OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 26;

AND

-EXCEPT THE EAST 6 FEET-, THE NORTH 40 FEET OF LOT 2 IN SAID PINEGAR PLACE; 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 portions of the vacated right-of-way, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein, and, as to Colin property, further subject to the use restrictions of the "M-1" Light Industrial District unless relief is otherwise granted by the Zoning Board of Adjustment:

Grantee: Sergio Colin

Consideration: \$100.00

Legal Description: -EXCEPT THE EAST 6 FEET-, THE SOUTH 40 FEET OF THE NORTH 80 FEET OF LOT 2, PINEGAR PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 0.14 ACRES (5,907 SQUARE FEET).

Grantee: Lisa Hernandez and Manuel Hernandez

Consideration: \$225.00



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Legal Description: THE WEST 65 FEET OF LOTS 28, 29 AND 30, R.W. WEST'S SUB-DIVISION OF LOT 11 OF THE OFFICIAL PLAT OF THE SOUTH HALF (1/2) OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M.;

AND

ALL THAT PART OF THE VACATED EAST ELM STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING A PART OF LOT 26 IN SAID R.W. WEST'S SUB-DIVISION AND LYING WEST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF THE EAST 6 FEET OF LOT 2 IN PINEGAR PLACE, AN OFFICIAL PLAT, AND LYING EAST OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 26;

AND

-EXCEPT THE EAST 6 FEET-, THE NORTH 40 FEET OF LOT 2 IN SAID PINEGAR PLACE;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 0.39 ACRES (17,156 SQUARE FEET).

- 3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such street right-of-way is to be considered shall be on April 9, 2018, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §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 Gatto to adopt.

APPROVED AS TO FORM:

Signature of Lisa A. Wieland, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, 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.

Signature of T. M. Franklin, Mayor

Signature of Diane Rauh, City Clerk